

SHACKELFORD MILLER
THE
STATUTE LAW
OF
KENTUCKY;

WITH NOTES, PRAELECTIONS, AND OBSER-
VATIONS ON THE PUBLIC ACTS.

—•—
IN FIVE VOLUMES.
—•—

BY WILLIAM LITTELL, ESQ. L. L. D.

Sic vos non vobis, &c.—VIRGIL.

VOLUME V.

—•—
TO WHICH ARE ADDED,

SEVERAL APPENDICES,

CONTAINING

A REVIEW OF THE ACTS OF ASSEMBLY RELATIVE TO
CONVEYANCES, LAST WILLS AND TESTAMENTS, PROMISSORY
NOTES, AND THE ASSIGNMENT OF BONDS;

AN OUTLINE OF THE DUTY OF
JUSTICES OF THE PEACE, SHERIFFS &c.

AND A SHORT
DISSERTATION ON THE PROCEEDINGS IN CHANCERY
AGAINST ABSENT DEFENDANTS.

—•—
FRANKFORT, (KEN.)

PRINTED FOR BUTLER & WOOD.

—•—
1819.

UNITED STATES OF AMERICA, }
DISTRICT OF KENTUCKY, SCT. }

BE IT REMEMBERED, that on the twenty-first day of January, A. D. 1819, and of the Independence of the United States the 43d. BUTLER & WOOD of the said District, hath deposited in this office the title of a Book, the right whereof they claim as proprietors, in the following words, to wit:

"The Statute Law of Kentucky; with notes, prelections, and observations on the public acts, and an abridgement of the private acts; By WILLIAM LITTELL, Esq. L. L. D. Volume V."

IN CONFORMITY to the act of Congress of the United States, entitled "an act for the encouragement of learning, by securing the copies of maps, charts and books to the authors and proprietors of such copies, during the times therein mentioned," and also an act entitled "an act supplementary to an act, entitled an act for the encouragement of learning, by securing the copies of maps, charts and books to the authors and proprietors, of such copies, during the times therein mentioned, and extending the benefits thereof to the arts of designing, engraving and etching historical and other prints."

(SEAL.)

JOHN H. HANNA,
Clerk of the Kentucky District.

(By an act of February 10th 1816.)

TAXES COLLECTABLE.

6	1-4 cents on every \$100 of the valuation on the ad	
	valorem principle,	591
On Bank Stock 37	1-2 cents on each share of \$100,	591
Officers commission for collecting the ordinary taxes 7	1-2	
per cent,		591

This act from its title was mistaken for a temporary one, and not inserted in its proper place. It will be found on the last leaf in this volume next to the Index.

C/ 2792

ACTS
OF THE
GENERAL ASSEMBLY
OF
KENTUCKY.

DECEMBER SESSION, 1812.

CHAPTER I.

AN ACT authorising the Inhabitants of the Town of Bowling-Green to elect Trustees.

1812.

Approved December 19, 1812.

WHEREAS the act of the last legislature, directing the inhabitants in the town of Bowling-Green to elect trustees for the said town, on the first Monday in May last, and on the first Monday in every succeeding May, it is represented, came not to the knowledge of the said inhabitants until after the said Monday in May, by reason whereof the said town is destitute of trustees, that it is expedient that trustees should be elected for said town at an early period: Therefore,

Recital.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall be lawful for the inhabitants of the said town, qualified to vote according to law, to meet on the third Monday in January next, at the court-house in the said town, and elect five trustees; who shall act and have the same power and authority in all respects as though they had been elected under the before recited act, and shall continue in office until the first Monday in May next.

Inhabitants of said town may elect 5 trustees.

Their power and authority

To continue in office until May next.

DECEMBER SESSION,

1812.

CHAPTER II.

An ACT to authorise certain services of the Militia of this State to be considered as a tour of duty.

Approved December 18, 1812.

Had its effect.

CHAPTER III.

An ACT for the relief of the Clerk of the Circuit and County Courts of Nicholas.

Approved December 19, 1812.

He had been prevented from swearing to his account of taxes received at the time prescribed by law. This act permitted him to do it afterwards, and relinquished all forfeitures and penalties incurred.

CHAPTER IV.

An ACT authorising the publication of Advertisements in "The Louisville Correspondent."

Approved December 19, 1812.

BE it enacted by the General Assembly of the Commonwealth of Kentucky. That it shall be lawful to insert and publish in "The Louisville Correspondent," printed in Louisville, any and all advertisements which are required and authorised by law to be published in any newspaper in the state of Kentucky; and the editors of said paper shall be governed by the same rules, and entitled to the same fees as other printers in this commonwealth: *Provided*, that nothing herein contained shall be so construed as to authorise the insertion in said paper of such advertisements as are required by law to be published in the paper of the public printer.

CHAPTER V.

An ACT establishing an Academy in the County of Caldwell.

Approved December 22, 1812.

SEC. 1. BE it enacted by the General Assembly of the Commonwealth of Kentucky, That John M. Walker,
Trustees.

XXI. YEAR OF THE COMMONWEALTH.

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William Mitchuson, Fidelio Sharp, Josiah Whitnell, 1812.
 William Birdsong, Richard Hays and Samuel Smith, gentlemen, shall be, and are hereby constituted a body politic and corporate, to be known by the name of "the Trustees of the Caledonia Academy;" and by that name shall have perpetual succession, and a common seal, with power to change or alter the same at pleasure. And as a body corporate, shall be authorised to exercise all the powers and privileges that are now enjoyed by the trustees of any academy or seminary of learning in this state; and on the death, resignation, or other disqualification of any of the trustees aforesaid, or their successors, a majority of the remaining trustees shall fill such vacancy; and the person so appointed shall be vested with the same power and authority as if specially named by this act; and by the name and style of the Trustees of the Caledonia Academy, may sue and implead, or be sued and impleaded, in any court in law or equity, or before any tribunal having cognizance of the same.

Their powers

Vacancies,
how filled.

May sue and
be sued.

Sec. 2. The said trustees, and their successors, shall have power, in their corporate capacity, to purchase, or receive by donation, any lands, tenements, hereditaments, monies, rents, goods and chattels, and to hold the same by the name aforesaid, to them and their successors forever, for the use of said academy; and to sell, alien or transfer any such lands, goods and chattels, and apply the proceeds to the use and benefit thereof: Also to dispose of all the lands heretofore or hereafter appropriated for the benefit of seminaries, according to existing laws.

Their powers

Sec. 3. The person first named herein, or in his absence or refusal to act, the next, shall notify the time and place for the first meeting of the trustees; and on the attendance of a majority thereof, they shall appoint a chairman and clerk, who shall severally take an oath, to be administered by some justice of the peace, well and truly to execute the duties of their office; and thereafter the board may be called by the chairman, or any two of the trustees. The said trustees shall have power to adjourn from day to day, to make and ordain such by-laws, rules and ordinances, as they may deem proper, not inconsistent with the laws of this commonwealth; and moreover to fix on a proper place for erecting the

Further powers
and duty
of trustees.

1812. buildings for the said academy: *Provided*, that a majority of all the trustees shall be necessary to attend on the making any contract, by-laws, or fixing the permanent seat for the same.

Proviso:

May employ
tutors, &c.
and fix sala-
ries, &c.

Sec. 4. A majority of said trustees shall have power to engage and employ a competent number of tutors and professors to the said academy, to fix their salaries, and the salary of their clerk, as also the terms of tuition; and on the misconduct of any tutor, professor or student, may dismiss or expel such tutor, professor or student from the said academy.

CHAPTER VI.

An ACT concerning the establishment of Election Precincts.

Approved December 22, 1812.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky.* That no petition shall be received and acted upon by the legislature, praying for the establishment of an election precinct in any county in this commonwealth, or for the discontinuance of any election precinct established by law in any county as aforesaid, unless the purport of such petition and memorial shall have been fixed at the door of the court-house, or other place of holding courts of the county wherein such election precinct is prayed to be established, two courts at least previous to offering the same, stating the limits and boundaries of the precinct proposed to be established, or discontinued, as the case may be.

Notice to be
given of ap-
plication for
establishing
or discontinu-
ing precincts

How.

For what
time.

Voters may
vote either at
the court-
house or in
the precinct.

Penalty on
voting twice.

Sec. 2. *Be it further enacted,* That the voters in each county wherein election precincts are by law established, shall have the privilege to vote either at the court-house or precinct, as they may think proper: *Provided*, however, any person voting twice at any election, shall be subject to a fine of double the sum now inflicted by law in such cases.

CHAPTER VII.

An ACT for the benefit of the heirs of Thomas Marshall, and Joseph and Jane Minter, deceased.

Approved January 4, 1813.

This act authorised the sale of small tracts of land, descended to the heirs of Marshall and Minter, respectively.

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CHAPTER VIII.

An ACT for the benefit of Evan Watson.

1812.

Approved January 4, 1813.

The act authorised him to locate one hundred acres of land, in Estill county, at the state price of \$ 20.

CHAPTER IX.

An ACT for the benefit of David C. Irvine.

Approved January 4, 1813.

He inherited two entries for land from his father, who was killed by the Indians while he was an infant. He was not informed of his right, until after the time had elapsed for surveying claims belonging to infants after they came of age. This act gave him a right to survey them still.

CHAPTER X.

An ACT allowing pay to certain Militia of this State.

Approved January 4, 1813.

Had its effect.

CHAPTER XI.

An ACT to amend the Law authorising the appropriation of Lands acquired by the Treaty at Tellico.

Approved January 4, 1813.

The act appropriating these lands, will be found in Vol. IV, page 167. Surveys were forbid to be made on the Tellico lands, under authority of Virginia land warrants, by an act passed January 25th 1811, (Vol. IV, page 229) to which an act passed January 31st 1811, is supplementary (*vide* same Vol. page 281). On the day last mentioned, an act was passed amendatory of the appropriation act (Vol. IV, page 258); another amendatory act was passed February 8th 1812 (Vol. IV, page 404). By an act passed January 31st 1812, the money paid into the treasury for these lands was directed to be applied as bank stock.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That the instalment for lands which have been appropriated under the laws of this commonwealth, within the boundary acquired by the treaty at Tellico, and which became due on the first day of January 1812; also the instalment for lands

Payment of instalments postponed.

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1812. within the same boundary, which will become due on the first day of January 1813, shall become due and payable on the first day of January 1814: *Provided, however,* that the commonwealth shall be entitled to an interest at six per centum per annum, on the principal now due on said lands, until the same shall be paid into the public treasury.

Proviso.

Sec. 2. *Be it further enacted,* That if any instalment which may so become due, shall remain unpaid on the said first day of January 1814, the lands upon which such instalment shall not be paid, shall revert to the commonwealth: *Provided,* that the person or persons holding a claim to any land which may so revert to the commonwealth under this act, may redeem the same by paying into the public treasury the amount which may be due the commonwealth, together with interest and twenty-five per centum damages, within twelve months after the same may have reverted or vested in the commonwealth.

If not paid, the land to revert to the state.

Proviso.

Sec. 3. *Be it further enacted,* That the surveyors within the several counties in which certificates for lands have been granted, shall enter and survey the same; and the register is authorised to receive the same into the land-office, and issue grants therefor as in other cases, upon the production of the auditor's quietus for the payment of the whole amount of the state price due thereon.

Surveyors to enter and survey lands.

Register to receive surveys and issue grants, &c.

CHAPTER XII.

An ACT to authorise the County Court of Hardin to lay their County Levy.

Approved January 4, 1813.

CHAPTER XIII.

An ACT for the benefit of Henrietta G. Bozier.

Approved January 4, 1813.

She had been surreptitiously divorced. This act authorised her to marry again.

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CHAPTER XIV.

1812.

An ACT for the relief of James Kirkpatrick.

Approved January 4, 1813.

This act gave him two years to erect his buildings on his lot in the public square in the town of Harrodsburgh.

CHAPTER XV.

An ACT for the regulation of Morgantown, Salem and Smithland.

Approved January 6, 1813.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That all the provisions of an act entitled "an act for the regulation of certain towns in this commonwealth," approved the 6th day of January 1812, shall extend to, and include the town of Morgantown, in Butler county, and the towns of Salem and Smithland, in Livingston county, as fully and in the same manner as it would have done if the said towns of Morgantown, Salem and Smithland had been originally incorporated in said act.

CHAPTER XVI.

An ACT for the benefit of Francis Emerson's heirs.

Approved January 6, 1813.

The act appointed trustees to sell some lands descended to them.

CHAPTER XVII.

An ACT to reduce the number of Trustees to the Salem and Woodford Academies.

Approved January 6, 1813.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky, That Walter Brashear, Burr Harrison, Thomas Speed, John Rowan and William P. Duvall, gentlemen, shall be, and the same are hereby constituted and appointed a board of trustees to the Salem academy; who, or three of them, shall be*

Trustees appointed to the Salem academy.

Their powers

DECEMBER SESSION,

1812.

vested with the same powers and authorities, privileges, immunities and advantages, as are by law now given to the present board of trustees to said academy.

Sec. 2. And so much of every act as allows the number of fifteen trustees to the academy aforesaid, shall be, and the same is hereby repealed.

Woodford academy.

Power of the trustees.

Sec. 3. *Be it further enacted*, That whenever a sufficient number of the trustees of the Woodford academy, shall resign, so as to reduce their number to five, the places of those resigning shall not be filled; and hereafter the five trustees, or a majority of them, and their successors in office, shall be vested with the same power and authority, privileges, immunities and advantages, as are now by law given to the present board of trustees to said Woodford academy; and so much of every act as allows the number of thirteen trustees to the academy aforesaid, shall be, and the same is hereby repealed.

CHAPTER XVIII.

An ACT authorising the Trustees of South Frankfort to lay and collect a Tax.

Approved January 6, 1813.

Trustees may tax persons and property under certain restrictions.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall and may be lawful for the trustees of that part of the town of Frankfort, lying on the south side of the Kentucky river, and known by the name of South Frankfort, to lay a poll tax on the free male inhabitants thereof, over the age of twenty-one years, not exceeding one dollar in any one year; also to lay a tax on the real and personal property in that part of the said town, not exceeding twenty-five cents for every hundred dollars of the assessed value of such property per annum.

To appoint an assessor of the real and personal property, who is to take an oath.

Sec. 2. *And be it further enacted*, That the trustees aforesaid, or a majority of them, shall, in the month of March in each year, appoint a proper person to take lists of the free male inhabitants of South Frankfort over the age of twenty-one years, and to assess the value of the real and personal property therein. Such assessor so appointed, on taking an oath well and faithfully to perform the duties required of him by this act,

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without favor or partiality, shall immediately proceed to take such lists and make such assessment as before directed, and make return thereof to the said trustees on or before the first day of May in each year; and the said trustees, or a majority of them, shall fix the sum to be paid by each free male inhabitant, and for every hundred dollars assessed on the real and personal property, as is herein before directed.

1812.

Power of the trustees.

Sec. 3. *And be it further enacted,* That the trustees aforesaid shall appoint a collector for the collection of all taxes laid by virtue of this act, and to stipulate the compensation to be allowed him for the same, such collector having first given bond, with one or more security or securities, payable to the said trustees and their successors, conditioned for his faithful collection and accounting for all taxes imposed by this act; and within the time prescribed by the said trustees, shall immediately proceed to collect the tax agreeably to the lists which shall be duly furnished him for that purpose; and if the said collector shall be found delinquent, and not have accounted for, and paid the amount of his collection in any year, to the said trustees or their order, (the delinquents being first deducted) such collector shall be liable to pay at the rate of twenty per centum per annum on the money unaccounted for by him, from the time it should have been paid, recoverable in the county court of Franklin by motion, together with the arrearages due, on ten days' previous notice being given to the said collector and his securities; and the execution on the said judgment shall be endorsed by the clerk, that "No security is to be taken."

To appoint a collector.

How proceeded against for a failure to pay over the money collected as taxes.

Sec. 4. *And be it further enacted,* That the trustees aforesaid, shall have power to prescribe a time in which taxes shall be paid, and in case of failure, to add a percentage not exceeding the rate of twenty per cent. on all delinquents; and the said trustees shall fix a time when the collector aforesaid, shall proceed to collect the taxes herein imposed, by distress and sale of the goods, chattels, or slaves of the debtor, in the same manner as sheriffs are, or may be authorised by law to distrain and sell for taxes due to this commonwealth. The collector for the time being, may distrain and sell the goods, chattels and slaves, found on any real estate for which taxes may be due and unpaid, belonging to any

Collector's power and duty.

1842.

person claiming or holding the premises, under the person from whom the tax may be due. But if such tax be paid by any tenant, he shall have a right to recover the same from his landlord or proprietor of such real estate; and if sufficient property be not found on the premises within one year, to discharge the tax due on any lot or real estate; the collector aforesaid may proceed to sell so much thereof, as will be sufficient to discharge the tax, interest and costs due thereon: *Provided*, the time and place of such sale, shall be advertised at least four weeks in one of the newspapers published in the town of Frankfort, previous to the day of sale.

Proviso.

Real property sold may be redeemed.

Sec. 5: *And be it further enacted*, That all real property sold by virtue of this act, shall be redeemable within three years from the day of sale, upon the payment of the tax, interest, and cost due at the time of sale, and an interest of 100 per centum per annum thereon, and also all taxes that may have become due after the sale thereof: *Provided always*, that all infants and *femes covert* whose real estate may have been sold by virtue of this act, shall be allowed three years after their several disabilities are removed to redeem the same, on the payment of the tax, interest and costs due at the time of sale, and all the taxes that may be due and paid until such redemption.

Proviso.

Trustees not to tax ware-houses.

Sec. 6. *And be it further enacted*, That the trustees aforesaid, shall not have power to assess any tax on any ware house that is now, or shall hereafter be established by law, within the limits of South Frankfort.

Money collected, how to be appropriated.

Sec. 7. *And be it further enacted*, That the trustees aforesaid or a majority of them, shall apply all monies that may be received by virtue of this act, towards clearing and amending the streets, lanes and alleys, in that part of the town before mentioned, and to such other uses, as may by them be deemed proper and beneficial to the inhabitants thereof.

CHAPTER XIX.

1812.

An ACT to give the General Court additional jurisdiction in certain cases, and for regulating the proceedings in Writs of Mandamus.

Approved January 8, 1813.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky, That the General Court shall have power and jurisdiction, to grant writs of mandamus in controversies between the citizens of this commonwealth, in the same manner and for the same causes, that they may according to law, grant such writs upon the application of a non-resident, and that like proceeding shall be had in both cases.*

May grant writs of mandamus.

How governed and regulated.

SEC. 2. *And be it further enacted, That it shall be lawful for the person or persons, at whose instance a mandamus has been, or may be hereafter issued in any case, to traverse the truth of the whole, or any one or more of the facts, asserted in the return made to such writ, by the court or officer to whom the same may have been directed, the traverser concluding the same by an appeal to the county for the trial of the contested facts, upon which issue may have been taken by such traverse. A jury shall be empaneled, and sworn by order of the court having jurisdiction thereof, subject to the same rules and regulations, and with power to such courts to superintend and control such jury, by instructing them in points of law which may arise in the course of such trial, or of granting new trials in the same manner, and to be governed by the same principles, which are applicable to the trial by jury in other cases at common law.*

Persons applying for such writ, may traverse the return.

A jury to be empaneled and sworn to try the truth of the facts, and how governed.

SEC. 3. *And be it further enacted, That it shall be the duty of such court, entertaining jurisdiction as aforesaid, upon the result of any such finding as aforesaid, to pronounce judgment thereon in favor of either party, according to law, and to award judgment for the costs of suing out and prosecuting or defending such mandamus as the case may be, in favor of the successful party, upon which execution shall, and may be issued as in other cases.*

Duty of the court on the finding of the jury.

DECEMBER SESSION,

1812.

CHAPTER XX.

An ACT allowing further time for improving the navigation of the Kentucky river.

Approved January 8, 1813.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That the powers heretofore vested in the commissioners, who were authorised to superintend a lottery, for the improvement of the navigation of the Kentucky river, shall hereafter be vested in John W. Hunt, Lewis Sanders, Abner Legrand, Samuel Marcoum and James Morrison, who, or a majority of them, are hereby authorised to carry the several acts of 1810 and 1811 into complete effect, under the same rules and regulations as are prescribed by the before recited act, and from time to time, meet and make such regulations relative thereto, as they may deem right.

Comm'rs.

Their powers.

SEC. 2. That the farther time of three years from the passage of this act, shall be allowed for the drawing of said lottery.

CHAPTER XXI.

An ACT to authorise the Trustees of Louisville to pave the streets of said Town.

Approved January 8, 1813.

CHAPTER XXII.

An ACT allowing an additional term to the Circuit Court of Shelby, for the trial of Chancery Causes.

Approved January 8, 1813.

The additional term was only for that year: It was directed to sit on the fifth Monday in March.

CHAPTER XXIII.

An ACT for the relief of Walter Graham.

Approved January 9, 1813.

The act gave him longer time to return to the register's office, plats and certificates of survey on a military warrant.

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CHAPTER XXIV.

1812.

An ACT allowing an additional number of Justices of the Peace in sundry Counties in this Commonwealth.

Approved January 13, 1813

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That the counties hereinafter named shall be entitled to the following number of justices of the peace, in addition to the number heretofore allowed by law: The county of Pulaski, one; the county of Casey, one; the county of Christian, two; the county of Bath, two; the county of Greenup, two; the county of Clay, one; the county of Wayne, two; the county of Hopkins, one; the county of Logan, two; the county of Mason, one; and the county of Adair, one. Counties.

CHAPTER XXV.

An ACT to establish an Academy in the County of Gallatin.

Approved January 13, 1813.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That Carter Tarent, William Winslow, John Barner, Garland Bullock and Robert Plummer, and their successors in office, shall be, and they are hereby constituted a body politic and corporate, to be known by the name of the Trustees of the Gallatin Academy; and by that name shall have perpetual succession, and a common seal, with power to change the same at pleasure; and by the name aforesaid may sue or be sued, plead or be impleaded, in any court of law or equity within this state. Trustees. Powers.

Sec. 2. The said trustees shall hold their first meeting at the town of Port-William, in the county of Gallatin, on the first day of May next; and they, or a majority of them, shall then, or as soon thereafter as they think proper, proceed to fix upon a place for a permanent seat for said academy, and proceed to erect buildings thereon; and until suitable buildings and regulations are made at such place, they may commence and proceed in the institution at any other place they shall judge proper. When to meet, & their duty.

1812.

Further powers.

Sec. 3. The said trustees, or their successors, by the name aforesaid, shall be capable in law to purchase, receive and hold to them and their successors, for the use and benefit of said academy, any lands, tenements, rents, goods and chattels, of what kind soever, which shall be given or devised to, or purchased by them for the use of said seminary.

Sec. 4. The trustees, or a majority of them, shall have power, from time to time, to establish such by-laws and regulations, rules and ordinances, not contrary to the constitution or laws of this commonwealth, as they shall deem necessary for the government of said academy.

Duty.

Sec. 5. The trustees shall elect a president, treasurer and clerk to their own body, and so many professors, tutors or masters, as may be necessary; and upon the death, resignation or legal disability of any of the trustees, president or other officers of said academy, the board of trustees shall supply such vacancy by ballot.

Sec. 6. The president and other officers or teachers of the academy, shall be subject to the direction of the board of trustees, subject however to be removed from office for any malfeasance therein, or neglect of duty, by a majority of the whole number of trustees of said academy.

Further powers & duties.

Sec. 7. *Be it further enacted*, That it shall be the duty of the trustees of the town of Port-William, to convey to the trustees of said academy, a lot of ground in the town of Port-William, designated in the plat of said town as the old public ground, to be by them appropriated to the use of said academy.

Sec. 8. *Be it further enacted*, That it shall be lawful for said trustees to receive subscriptions, either in money or property, and coerce by law the payment thereof, for the use of said academy.

Sec. 9. *Be it further enacted*, That the trustees, or a majority of them, shall be, and they are hereby vested with power to sell and convey one half of the lands granted to said academy, and to lease or rent the balance, or any part thereof, and apply the money arising therefrom to the purpose of erecting buildings, purchasing books or philosophical apparatus for the use of said academy, or in any other way they may think most profitable to said academy.

XXI. YEAR OF THE COMMONWEALTH.

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CHAPTER XXVI.

1812

An ACT authorising the County Court of Gallatin to sink a Well on the Public Ground.

Approved January 16, 1813.

CHAPTER XXVII.

An ACT to reduce the number of Trustees to the Washington Academy.

Approved January 16, 1813.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That Matthew Walton, John Reid, Trustees, Barnabas M'Henry, Elias Davidson, John Calhoun, Stephen Cocke and Paul J. Booker, gentlemen, shall be, and are hereby constituted and appointed a board of trustees to the Washington academy, who shall be vested with the same powers, authorities, privileges, immunities and advantages as are by law given to the former board of trustees to said academy; and so much of every act or parts of acts, allowing the number of fourteen trustees to said academy, shall be, and the same are hereby repealed.

Powers.

CHAPTER XXVIII.

An ACT for the benefit of the heirs of John South, deceased.

Approved January 16, 1813.

The act appointed commissioners, with power to compromise the disputes on the lands descended to them, and to make division and sale thereof.

CHAPTER XXIX.

An ACT to authorise the Editors of "The Western Eagle," printed at Hopkinsville, to insert certain Advertisements in said paper.

Approved January 16, 1813.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for the editors of "The Western Eagle," printed at Hopkinsville,

1812.

to insert in said paper, under its present name, or any other which it may hereafter assume, any advertisements which are required by law to be published in a newspaper; and the editors of the said paper shall be entitled to the same fees, and be governed by the same rules and regulations as other printers in this commonwealth: *Provided*, that nothing herein contained shall be so construed as to authorise the insertion in said paper of such advertisements as are particularly required by law to be published in the paper of the public printer.

CHAPTER XXX.

An ACT erecting an Election Precinct in Warren County.

Approved January 16, 1813.

Boundary.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That all that part of Warren county, included in the following bounds, to wit: Beginning at the mouth of Little Beaverdam, on Green river, and running thence to John Dixon's, on the road leading from the Dripping Spring to Nashville; thence to Barren river, so as to include John Cole, Esq.; thence up said river to the Barren county line; thence with the line dividing Barren and Warren counties, to where the same strikes Green river; thence down said river to the beginning; shall be, and the same is hereby erected into an election precinct in the said county of Warren; and that the qualified voters in said precinct do meet at the house of David Maxwell, at the Dripping Spring in said precinct, for the purpose of voting in all legal elections.

County court of Warren to appoint judges and clerk.

Sheriff's duty.

Where polls to be compared.

SEC. 2. *Be it further enacted*, That the county court of Warren, at the time they appoint a clerk and judges to the election to be held at their court-house, shall also appoint a clerk and judges to preside at the election to be held at the precinct in said county; and it shall be the duty of the sheriff of said county to attend, by himself or deputy, and conduct the election to be held in the said precinct; which election shall be governed by the same rules and regulations as are now prescribed by law.

SEC. 3. *Be it further enacted*, That the sheriff who presides at the election to be held in said precinct, shall

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meet the sheriff who presides at the election to be held at the court-house in said county, on the fifth day after the commencement of said election, at the court-house in said county, and compare the polls and make return agreeable to the constitution and laws of this state.

1812.

CHAPTER XXXI.

An ACT for the benefit of Mary Raley and Children.

Approved January 16, 1813.

The act gave them a small tract of unappropriated land, on which they were living, in Washington county.

CHAPTER XXXII.

An ACT to amend the act of 1806, respecting the establishment of Ferries across the Ohio River.

Approved January 16, 1813.

The act referred to will be found in Vol. III, page 361.

BE it enacted by the General Assembly of the Commonwealth of Kentucky. That if any person or persons, being a citizen or citizens of Kentucky, shall hereafter transport any passenger or passengers, carriages, or other property, across the Ohio river, from the opposite shore to the Kentucky shore, within one mile, upon a straight line, of any ferry already established, or which may hereafter be established, other than those who shall have been, or shall hereafter be legally authorised by the laws of this state, or the laws of the state or territory opposite to any such established ferry or ferries, for any reward or promise thereof, such person or persons so offending shall be subject to the penalty of twenty dollars for every such offence, recoverable by warrant before any justice of the peace of the county where such offence shall be committed; the one half to the use of the informer, and the other half to be appropriated towards lessening the county levy.

Vox. V.

D

DECEMBER SESSION,

1812.

CHAPTER XXXIII.

An ACT for the benefit of John Barns.

Approved January 16, 1813.

He was insane, and had been for twelve years. This act released him from the balance of the state price on two hundred acres of land, in Pulaski county, on which his family lived, and prohibited his selling it.

CHAPTER XXXIV.

An ACT for the benefit of James Mahan.

Approved January 19, 1813.

This act authorised the issuing a patent to him for two hundred acres of Green river land, without the production of an assignment deemed essential by the register.

CHAPTER XXXV.

An ACT concerning cut Money.

Approved January 21, 1813.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That when an agent of any non-resident is about to pay into the public treasury any cut money as revenue, such cut money shall be subject to a discount of three per centum, unless such agent shall verify on oath, that the cut silver then offered was received from such non-resident for the purpose aforesaid; which oath the treasurer is hereby authorised to administer.

CHAPTER XXXVI.

An ACT to legalise the proceedings of the Harrison County Court.

Approved January 21, 1813.

The proceeding legalised, was holding the court of claims, and laying the county levy, in December.

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CHAPTER XXXVII.

1812.

An ACT to authorise the County Court of Gallatin to contract for the Ferry across the Kentucky River in said County.

Approved January 21, 1813.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That for the purpose of enabling the citizens of Gallatin county, who live on the south side of the Kentucky river, to attend at their seat of justice, to perform the duties required of them by their government without expense, it shall be lawful for the county court of Gallatin, a majority of all the justices being present and concurring therein, from year to year, to make an order allowing so much annually to the owner or occupier of the ferry across the Kentucky river, opposite to the town of Port-William, as shall be agreed on between such owner or occupier of the ferry and the county court, as a compensation for the transportation of all or any of the citizens of the county of Gallatin, who live on the south side of the Kentucky river, across the same, either in going to, or returning from all courts, general elections, regimental or drill musters, to be held in said town in each year, free from any toll or ferriage; a copy of which order shall be laid before the county court, at the time they lay their next levy after such order shall have been made, and they shall allow the amount thereof, and lay the same in their levy; which sum so laid shall be collected and accounted for in the same manner that other claims against the county are directed to be collected and accounted for by law.

County court may contract for ferry.

Said ferry to be toll free.

How paid for and collected

CHAPTER XXXVIII.

An ACT concerning Attornies for the Commonwealth.

Approved January 23, 1813.

SEC. 1. BE it enacted by the General Assembly of the Commonwealth of Kentucky, That there shall be appointed by the governor of this commonwealth, by and with the advice and consent of the senate, some fit and proper person, resident within the bounds of each judicial district in this commonwealth, as attorney for the common-

Attornies.

1812. { wealth in such district ; whose duty it shall be to attend the several circuit courts within the district, and prosecute the pleas and interest of the commonwealth arising therein.

Salary. Sec. 2. *Be it further enacted*, That the said attorneys for each district shall annually receive for their services the sum of four hundred dollars, to be paid out of the public treasury, upon a warrant from the auditor, as in other cases.

Courts to appoint attorney pro tem. Sec. 3. *Be it further enacted*, That it shall be the duty of the several circuit courts in this commonwealth, if the district attorney shall fail to attend any circuit court within his district, to appoint *pro tem.* some fit attorney to prosecute for the commonwealth, during the absence of such district attorney ; and such circuit court shall certify in whose room such services were rendered, and the amount of allowance and deduction that is to be made from the annual salary of such absent attorney ; and the attorney *pro tem.* may produce to the auditor, at any time before the annual salary of such absent attorney shall become due, such certificate of the court as aforesaid ; and the auditor shall issue to the holder of such certificate, upon delivering the same, a warrant upon the treasury for such amount, which shall be paid accordingly ; and the auditor shall note such deduction, and when application is made for the annual salary of such absent attorney, the auditor shall only issue a warrant, after deducting the sum certified by the court as aforesaid, for the amount of the sum remaining. *Provided*, the annual salary of the attorney appointed under this act, shall commence with the first term of the first circuit court in the district to which such attorney is appointed.

Commencement.

This act shall continue and be in force for and during the term of two years from the end of the present session of the general assembly, and no longer.

CHAPTER XXXIX.

An ACT concerning the Vineyard Society.

Approved January 23, 1813.

The act referred to will be found in Vol. II, page 268.

Preamble. WHEREAS it is represented to the present general assembly, that by the law incorporating the Vineyard

Company, passed 21st November 1799, provides that an election should be held in the town of Lexington annually on the 20th day of March, for twelve directors, which has been found to be attended with much inconvenience to the shareholders; and it appears from the petition of some of the shareholders, that no election has been held, as by the said act required, and the business of said corporation consequently cannot be carried on, until by an act of the legislature provision is made for the prosecution of the objects of said society: Therefore,

1812.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall and may be lawful for a majority of the directors last elected, to cause an election to be held in the town of Lexington, within twelve months from the passage of this act, for five directors, who shall be vested with the same power, and perform the same duties, as are imposed by law on the twelve directors; and all acts done by the five directors thus elected, shall be as effectual as if done by the number required by the said act for incorporating the Vineyard Society.

Majority of directors to cause an election to be held.

Sec. 2. *And be it further enacted,* That a majority of the last elected twelve directors shall have the same power to manage, and to perform all acts that may be in their opinion necessary for said society, and to have the same effect as though done in pursuance of the provisions of said act, and continue in office until successors are elected, in the manner herein pointed out.

Power of directors.

In office, how long.

CHAPTER XL.

An ACT authorising the Auditor to correct certain mistakes and to issue warrants on the Treasury in certain cases.

Approved January 23, 1813.

WHEREAS it is represented, that in some instances, by mistake, the auditor transmits to the register of the land-office the same tract of land in different names, for the collection of tax due thereon, by means of which the tax is twice paid; and also, that taxes are some times charged where they were not due, and the auditor, though sensible of such error, is not permitted to correct it: For remedy whereof,

Preamble.

1812.

Auditor to
correct er-
rors.

Proviso.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That the auditor of public accounts be, and he is hereby directed, upon any such error being apparent to him, by examination or comparison of official written documents or records, to issue his warrant on the treasury for such money twice paid, or improperly paid (under the same original title from the commonwealth): Provided, nevertheless, that nothing herein contained shall authorise the issuing any such warrant as aforesaid, in favor of any person who may have made payment of the revenue tax due on any tract of land, unless it shall manifestly appear that the whole of the taxes due this commonwealth on such land, has been fully paid up and satisfied, independent of the mistaken payment, and ought to be reimbursed.

CHAPTER XLI.

An ACT for the relief of Polly Mason and Elizabeth Barnett, heirs of Abraham Holt, deceased.

Approved January 23, 1813.

It authorised them to have an entry for four hundred acres of land, made by their ancestor, surveyed and patented.

CHAPTER XLII.

An ACT for the benefit of William Newton and Auer Shaw.

Approved January 23, 1813.

It remitted to them, respectively, the balance of the state price due on their head-right claims.

CHAPTER XLIII.

An ACT to authorise the Citizens of Bullitt County to build a Bridge across Floyd's Fork of Salt River.

Approved January 23, 1813.

Comm'rs.

SEC. 1. BE it enacted by the General Assembly of the Commonwealth of Kentucky. That Gay Phelps, John M'Dowell, Joseph Hough, Joshua Norvell and James Burk, gentlemen, or any three of them, be appointed Their power. commissioners; who, or a majority of them, are vested

with full power and authority to build by subscription, or out of their private funds, a bridge across Floyal's fork of Salt river, where the road leading from Shepherdsville to Shelbyville crosses the same.

1812.

Sec. 2. *Be it further enacted*, That when said bridge is completed, the county court of Bullitt shall appoint three commissioners to ascertain and make report to said court, the costs of building said bridge; and in case of death, removal or resignation of any of the commissioners appointed by the first section of this act, the county court shall appoint, from time to time, fit and proper persons to fill their places.

County court
to appoint
comm'rs.

Sec. 3. *Be it further enacted*, That it shall and may be lawful for the said commissioners, or their successors, to contract for the building said bridge; and may sue and be impleaded upon any contract relative to the building and continuing in repair said bridge, for the collection of subscription, or the toll allowed by this act.

Sec. 4. *Be it further enacted*, That it shall and may be lawful for said commissioners to ask and receive from every person crossing said bridge, the following rates of toll: For every person, six and a fourth cents; for every horse, mare or mule, six and a fourth cents; for every carriage or cart with two wheels, twenty-five cents; for every carriage or waggon with four wheels, fifty cents; for every head of neat cattle, three cents; and for every hog, one cent.

May receive
a toll, and the
rates of toll.

Sec. 5. *Be it further enacted*, That it shall be the duty of the said commissioners to make out annually, upon oath, the report of the nett proceeds of said bridge, to the county court of Bullitt; and when it shall appear to the satisfaction of the said court, that the said commissioners have received the original costs of building said bridge, together with fifty per cent. upon the amount, they shall, by an order of their court, declare said bridge toll free, and cause the said bridge to be kept in good repair at the proper charge of their county.

Duty of the
comm'rs. and
power of the
county court.

1812.

CHAPTER XLIV.

An ACT further regulating the Penitentiary House, authorising the sale of certain manufactured articles therein, and the advance of a sum of money from the Treasury for the benefit of said institution.

Approved January 23, 1813.

Agent to sell. *SEC. 1. BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That the agent of the penitentiary shall be, and he is hereby authorised to sell at public auction, after advertising the same six weeks in the paper of the public printer, all the windsor chairs, hoes, nails and cooper's ware belonging to said institution, which have been on hand more than two years, in such lots as he may deem most advantageous to the commonwealth, upon a credit of twelve months, taking bond with good security, (payable to the agent of the penitentiary, for the use of the commonwealth) for the payment of the purchase money.

Notice.

Credit.

Manner of issuing judgment. *Sec. 2. Be it further enacted,* That when judgment shall be rendered on any bond taken under the provisions of this act, the officer issuing execution on such judgment shall endorse thereon that "no security is to be taken;" and the officer into whose hands such execution shall come, shall govern himself accordingly: *Provided, nevertheless,* it shall be lawful for the agent of the said penitentiary, with the advice and approbation of the governor, at any time to discontinue or suspend such sales so advertised as aforesaid, whenever he shall deem it for the interest of the commonwealth so to do.

\$ 5000 appropriated. *Sec. 3. Be it further enacted,* That five thousand dollars be hereby appropriated, by way of loan, for the special purpose of purchasing iron and nail-rods, for the manufacturing of nails and other iron articles in the penitentiary house; and the auditor, upon the order of the governor, shall issue his warrant on the treasury for such part of the sum hereby appropriated, as the governor shall from time to time deem necessary for the purpose aforesaid.

Sec. 4. Be it further enacted, That the agent and keeper of the penitentiary shall, on or before the first day of February next, execute bond and security, respectively, in the penalty of five thousand dollars, conditioned for the faithful execution of their offices respectively:

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which bond shall be renewed annually forever afterwards.

1812.

Sec. 5. *And be it further enacted*, That all suits hereafter to be brought for the benefit of the said institution, shall be commenced and prosecuted in the name of the agent of the penitentiary house, for the use of the commonwealth.

CHAPTER XLV.

An ACT concerning the trial of Samuel Danley.

Approved January 27, 1813.

He was confined in the jail of Bath county, on a charge of having murdered William Cantral, and had petitioned to be tried before the stated term of the court. This act authorised a special term in February for his trial.

CHAPTER XLVI.

An ACT to amend and explain an act concerning removed Certificates, approved January 31, 1812.

Approved January 27, 1813.

For the acts concerning removed certificates, see Vol. III, page 196, Vol. 2, page 96, and Vol. I, page 686. The act referred to in the close of the first section, will be found in Vol. IV, page 228.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That the proprietors of entries made agreeably to law, prior to the 31st day of January 1812, on a removed certificate or certificates, granted by the commissioners or county court, for head-right lands, shall be authorised to survey the same and return a plat and certificate thereof to the register's office; and the register is hereby authorised to receive and register the same: *Provided, however*, that nothing contained in this act shall be construed so as to authorise the register to receive any plat and certificate of survey made by virtue of a removed certificate, unless the same be accompanied by the oath required by the fifth section of an act entitled "an act to revive the law allowing longer time for receiving plats and certificates into the register's office, approved the 25th of January 1811."

Proprietors
of certificates
permitted to
survey.

1812.

Not protect-
ed by occu-
pying claim-
ant law.

Sec. 2. *Be it further enacted*, That should any survey which is authorised to be received and registered under this act, interfere with a former entry or survey made under any law of this commonwealth, or the commonwealth of Virginia, the said survey, so far as it interferes with any former entry or survey made as aforesaid, shall be null and void; nor shall the person or persons claiming under such removed certificate, be entitled to receive any benefit or protection from the law concerning occupying claimants, but shall to all intents and purposes be held and considered a trespasser, without a claim of record: *Provided also*, that nothing herein contained shall authorise the registering of any plat and certificate of survey made by virtue of any removed certificate, on lands which have heretofore been prohibited from appropriation by such certificates.

CHAPTER XLVII.

An ACT to revive and amend the law establishing a Turnpike on the Road leading from the Counties of Madison and Lincoln to the Goose Creek Salt-Works.

Approved January 27, 1813.

The acts referred to in the first section, will be found in Vol. IV, pages 170 and 407.

Act erecting
a turnpike ex-
tended five
years.

Sec. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That the act passed the 31st January 1810, and one amendatory thereof, the 8th of February 1812, authorising the erection of a turnpike on the road leading from the counties of Madison and Lincoln to the Goose creek salt-works, shall be, and the same are hereby extended five years from the passage of this act.

Comm'rs. to
be appointed

Sec. 2. And the county court of Clay shall, in the month of April in the present year, and annually thereafter, appoint two fit persons, styled commissioners, whose duty it shall be to superintend the keeping the said road in good repair for the passage of wheel carriages, and to examine the work which shall be patronised by the undertaker, or any other person who shall have charge of the hands employed to work on said road; and from time to time, and at least once in every year.

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report to said court the situation of said road, and the repairs necessary to be made; upon which the said court shall make such order as they may deem necessary for keeping the said road in good repair; and the court shall make the said commissioners such allowance for their services as they may deem sufficient, provided such allowance does not exceed one dollar per day for the time they shall be actually employed, payable out of any money collected at the turnpike.

1812.

Sec. 3. *Be it further enacted*, That all persons residing within five miles of the turnpike road leading from the state road near Rockcastle bridge to Goose creek salt-works, and who are subject to labor on public roads by the laws of this commonwealth, shall labor three days in every year on said turnpike road, under direction of the said commissioners, who shall procure a list of all such persons, and notify, or cause notice to be given them at what times and places they must attend to perform the duties required by this act, having regard to the most convenient parts of the road for the respective hands to labor on.

Who shall labor on the road.

Sec. 4. *Be it further enacted*, That every person who shall fail to attend with proper tools for repairing the road, or such as the commissioners shall require, or to labor on said road as the commissioners may direct, shall pay the sum of one dollar for each day's failure, unless he has a lawful excuse for so doing, or furnishes a hand equally able in his room; which money shall be paid by the person failing to attend and labor, if he be a freeman; but if an infant, then by his parent, guardian or master; if a slave, by his overseer, if under one, otherwise by his master or mistress, to be recovered by the said commissioners before any justice of the peace for the county of Clay, and be applied to the repairing of the road aforesaid: *Provided*, that every person who fails to attend and labor as aforesaid, in consequence of his having a lawful excuse for so doing, shall be liable to work on the said road as many days as he loses, whenever required by the commissioners.

Fines.

Sec. 5. *Be it further enacted*, That every person subject to labor on the road aforesaid, also their family and property, post riders, expresses, and their horses, shall pass free.

Who may pass free.

1812. **Sec. 6.** *Be it further enacted,* That for each horse or mule passing through said turnpike, there shall be paid six and a quarter cents, except pack horses going to and from Goose creek salt-works for salt.
- Rate of toll.**
- Penalty for passing without paying.** **Sec. 7.** *Be it further enacted,* That if any person shall forcibly pass the said turnpike gate without paying the toll aforesaid, or avoid, or attempt to avoid it, he or she shall forfeit and pay ten dollars, which may be recovered before any justice of the peace in this commonwealth. All fines recovered agreeable to this act, shall be applied to keeping the aforesaid road in good order.

CHAPTER XLVIII.

An ACT to amend the act to increase the Jurisdiction of Magistrates, approved the 30th January 1812.

Approved January 28, 1813.

The act amended will be found in Vol. IV, page 342.

- Justice may direct a jury to be summoned in certain cases.** **SEC. 1.** *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That whensoever hereafter a justice of the peace shall issue his warrant, and thereon bring any cause to trial before him, for any sum to the value of five pounds, and not exceeding fifty dollars, pursuant to an act of assembly entitled "an act to increase the jurisdiction of magistrates," if either party shall require a jury, the justice so trying the cause shall by warrant authorise the constable, or other officer who acts before such justice, to summon a jury, possessing the same qualifications as jurors in the circuit courts, and subject to the same exceptions or challenges, to appear before said justice, at the time and place in such warrant directed; and if a sufficient number of those summoned shall not appear, or any of those appearing shall be challenged and set aside, the deficit shall be supplied by the by-standers, or such others as the officer can procure. The justice of the peace shall proceed to charge such jury on oath, well and truly to try the cause to them submitted, and to determine such facts as may be submitted to them by the parties; and a true verdict to render agreeably to the evidence. And said justice shall preside over said trial, preserve order and decorum, and determine questions of law arising out of the
- Subject to certain rules & regulations**
- Duty of the justice.**
- His power.**

cause, submitted to him by either party; and shall render judgment agreeably to the verdict, when returned to him by the said jury.

1812.

Sec. 2. *And be it further enacted*, That said justice of the peace shall further have power to fine the constable or other officer, in any sum not exceeding ten dollars, for failing to summon said jury agreeably to the warrant issued for that purpose; and shall also impose a fine on delinquent or disorderly jurors, in any sum not exceeding five dollars, having previously summoned such offender to show cause to the contrary, or give him an opportunity of making his excuse.

Justice may fine the constable for a neglect of duty, or delinquent or disorderly jurors.

Sec. 3. *And be it further enacted*, That the constable or other officer summoning said jury, shall be entitled to, and receive a fee of seventy-five cents for summoning a jury pursuant to this act, to be collected and payable as his other fees are by law.

Constable's fees.

Sec. 4. *Be it further enacted*, That where the appellee, in an appeal from the judgment of a single justice, shall by his own act prevent the execution of the process before the second court, the court shall have power to continue the cause until such summons can be executed.

Sec. 5. *And be it further enacted*, That the justices of the peace in this commonwealth shall have exclusive original jurisdiction of all sums not exceeding fifty dollars, founded on any specialty, bill, or note in writing, or account.

Jurisdiction of justices of the peace.

Sec. 6. Where any appellee shall reside out of this commonwealth, so that a subpoena cannot be served upon him, it may be lawful for the appellant to proceed to advertise, in some newspaper authorised by law to publish advertisements, under the same rules and regulations as are directed in suits in chancery; which shall be equivalent to a service of the subpoena; and the court shall proceed to hear and determine the same in the same manner as if the subpoena had been returned executed.

Appellant may advertise against appellee in certain cases, and be equivalent to service of subpoena.

Sec. 7. *Be it further enacted*, That it shall be the duty of the constable to endorse on the warrant the day that it was executed, the justice before whom it is to be tried, the place that the trial is to be at, and the day on which the trial is to be; and no justice shall proceed to try any suit, except by consent of the parties, unless it shall appear by the return of the constable that the summons

Duty of the constable.

1812. had been executed a reasonable time, before the day of trial: *Provided*, that in causes tried before a justice of the peace under the provisions of this act, no fee shall be taxed in the bill of costs against the defendant for summoning a jury, unless he shall have controverted the plaintiff's right to recover.
- Proviso.*
- In appeals, not necessary to file a declaration. Sec. 8. *And be it further enacted*, That it shall not be necessary for the person appealing from the judgment of a justice of the peace, under the provisions of this act, or the act passed at the last session of the general assembly, entitled "an act to increase the jurisdiction of magistrates," to file a declaration; nor shall either of the parties be bound to any particular formality in pleading or otherwise: *Provided, however*, that the court may make such order as they shall deem necessary, for a fair and speedy trial of the cause on its merits.
- Proviso.*
- Justice's fees Sec. 9. *And be it further enacted*, That the justices of the peace in this commonwealth shall be entitled to receive the same fees for their services in the prosecution and trial of cases under five pounds, as they are entitled to receive for similar services in the prosecution and trial of cases above five pounds.

CHAPTER XLIX.

An ACT for the regulation of the Town of Liberty, in the County of Casey.

Approved January 28, 1813.

WHEREAS it is represented to the present general assembly, that no special law has been passed heretofore for the regulation of the town of Liberty, in the county of Casey, and that it is necessary some special law be passed for that purpose:

Inhabitants may elect trustees. Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the free white male inhabitants of the town of Liberty, who shall have attained to the age of twenty-one years or upwards, shall meet at the court-house in said town on the first Monday in May next, and on the same day in each year thereafter, and elect five trustees for the said town; which trustees shall possess the qualifications hereinafter mentioned; and a majority of them so elected

shall be sufficient to constitute a board; who shall be, and they are hereby authorised to make such by-laws for the government and regulation of the said town, as to them shall seem proper, not inconsistent with the constitution and laws of this state. The said trustees, or a majority of them, shall have full power and authority to impose a tax, annually, not exceeding twenty dollars, on any property, real or personal, within the said town, subject to taxation, as to them shall seem proper and just, to be by them appropriated for the purpose of keeping the streets in good repair within the town aforesaid, in such manner as they may direct.

1812.

Their powers and duty.

Sec. 2. *Be it further enacted,* That the said trustees shall appoint their clerk, or any other officer they may think necessary; and the said trustees shall have full power, or a majority of them, to inflict a fine not exceeding three dollars, for every breach of their by-laws, to be sued for and recovered in their names, before any justice of the peace, and applied to the use of said town.

May appoint officers and impose fines.

Sec. 3. *And be it further enacted,* That no person shall be qualified to vote at the general election for trustees for said town, unless they reside in said town, or own real estate therein, and be above the age of eighteen years.

Sec. 4. *And be it further enacted,* That the board of trustees for said town may, at any time they may think proper, appoint some fit person, who shall reside in said town, as a commissioner, for the purpose of obtaining, in such manner as the board may think proper, a list of all such property as may be subject to taxation by this act in said town; whose duty it shall be to proceed to obtain such lists, and shall return the same to the said board, in such time, and in such manner as the board may direct, for the purpose of enabling said trustees to apportion the tax on said town. The said commissioners shall be allowed such sum per day as the said trustees may deem right, to be paid out of the money to be collected as taxes.

To appoint a comm'r to assess the value of property subject to taxation.

Sec. 5. *And be it further enacted,* That after the said trustees have laid and apportioned the taxes under this act, they shall appoint a collector thereof, whose duty it shall be to collect and account for the same to the trustees, within six months after he shall have been furnished with a list of said taxes; and if any person shall

May appoint a collector, & his duty.

1812. fail or refuse to pay the same, the said collector shall make distress and sale of property, in the same manner as collectors of revenue taxes are directed to do; and the said collector shall pay the money so collected to the trustees of said town. And the said collector shall be allowed six per cent. on all monies which he shall have to distrain for, and such compensation for the collection of other taxes as the said trustees may think proper, to be paid out of said taxes.

His compensation & how paid.

Sec. 6. *Be it further enacted*, That the collector shall give bond with security to the said trustees, for the due performance of his duty.

To give bond and security.

Sec. 7. *Be it further enacted*, That in case the said collector shall fail to pay the money collected by him to the trustees as aforesaid, they may, upon giving him ten days' previous notice in writing, recover judgment against the said collector and his security, in the county court of Casey county, by motion.

Vacancies, how filled.

Sec. 8. *And be it further enacted*, In case a vacancy shall happen in the said board of trustees, by death, resignation or otherwise, between the general elections of trustees for said town, the remaining trustees, or a majority of them, shall meet at the court-house in said town, as soon as convenient, and supply such vacancy; which said trustee or trustees so appointed shall possess the same power and qualifications as that at the general election, and shall continue in office until the next general election for trustees, and no longer.

Sec. 9. *Be it further enacted*, That the said trustees, after they are elected, shall meet at the court-house in said town, on the first Monday in June annually, and at such other time as they may think proper, in every year, as the internal policy of said town may require; and the trustees elected in pursuance of this act, shall continue for and during the term of two years from the time of their election.

Sec. 10. *And be it further enacted*, That the said trustees, at some one of their meetings in every year, shall make such allowance to their clerk as they may think proper, to be paid out of any money collected in pursuance of this act.

Clerk to take an oath.

Sec. 11. *And be it further enacted*, That the said clerk shall take an oath before he enters upon the duties of his office, to carefully keep and preserve the books, and

all papers confided to him by said trustees. and to make true and correct entries of all by-laws passed by said trustees; which said oath shall be administered by the president of said board.

1812.

Sec. 12. *And be it further enacted,* That every trustee who shall fail to attend said meetings, without a reasonable excuse, shall forfeit and pay for such failure two dollars, to be applied to the use of said town; which said excuse shall be adjudged of by the remainder of the trustees, or a majority of them; and in case a fine should be imposed, and the said trustee shall fail or refuse to pay it to the collector when demanded, it shall and may be lawful for the remaining trustees to sue for and recover the same before a justice of the peace.

Trustees failing to attend may be fined. Fine how appropriated & collected.

Sec. 13. *And be it further enacted,* That the said trustees shall severally take an oath, before they enter upon the duties of their office, well and truly to perform the duties enjoined on them as trustees; which said oath shall be administered to them by a justice of the peace, and recorded by the clerk of said trustees.

Trustees to take an oath.

Sec. 14. *And be it further enacted,* That the first election shall be held by some two justices of the peace of Casey county; which said justices shall be nominated by the county court of said county; and every other general election shall be held in like manner.

First election to be held by two justices.

Sec. 15. *And be it further enacted,* That in case the said qualified voters or justices shall fail to meet as aforesaid, after the first general election, the former trustees shall continue in office until the next general election shall be held for trustees.

And on failure, former trustees to continue in office.

Sec. 16. *And be it further enacted,* That the trustees appointed for said town of Liberty, shall have it in their power, immediately after they are elected and qualified, to regulate or alter the streets of said town as now laid off, in such manner as will render them most convenient, to wit: By removing one street farther on the public square; upon more eligible ground, to wit, the most southern street leading towards Green river.

Further powers of the trustees.

Sec. 17. *And be it further enacted,* That if the county court of Casey shall approve of the proceedings of said trustees, in the regulation and removal of said streets herein directed, it shall and may be lawful for said court to sell or dispose of the land upon which said street now runs, as also the land lying on the east side of said

Power of the county court in certain cases.

1812.

street when placed on the proposed way ; and the money arising from such sale, after paying the proprietor of the lot through which said street will run, for the damage he may sustain thereby. The balance of the money arising from such sale, shall be applied to the lessening of the county levy, or to the use of said town, as the county court may think proper.

CHAPTER L.

An ACT to amend an act entitled "an act to improve the navigation of Nolin," approved January 18, 1811.

Approved January 28, 1813.

The act amended will be found in Vol. IV, page 220.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That the act of assembly approved January the 18th 1811, for improving the navigation of Nolin, shall be construed so as to authorise the improving of the same from the mouth up to Adin Coomb's mill, any law to the contrary notwithstanding.

CHAPTER LI.

An ACT concerning Jailers' Fees and Insolvent Debtors.

Approved January 28, 1813.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That wherever any debtor shall hereafter be taken or charged in execution, and shall be admitted to the prison rules, and shall have so remained for the space of twenty days, without having taken the oath of an insolvent debtor, and delivered up a schedule of his or her property, agreeable to the law in such case now in force, it shall be lawful for the jailer in whose custody such debtor shall be, to demand bond with sufficient security to be given by such debtor for his or her future maintenance, or prison charges, while he or she shall so remain in custody by virtue of any such execution or executions under which he or she shall have been so taken or charged ; and upon failure of such debtor to give such bond and security, it shall be the duty of such jailer to confine him or her in close prison

Debtor remaining in jail 20 days without taking the oath of his insolvency, shall give bond for the prison fees, and on failure may be confined to close prison until he give such bond.

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until he or she shall have given such bond and security, 1812.
or have been so discharged.

CHAPTER LII.

*An ACT granting the Administrator of Moses Rice, dec'd.
late Clerk of Casey County, further time to issue the
Fee-Bills of said Office.*

Approved January 28, 1813.

CHAPTER LIII.

*An ACT to repeal in part the act erecting sundry Counties
into Election Precincts, and erecting other Precincts.*

Approved January 28, 1813.

The act mentioned in the first section, will be found in Vol. III,
page 259; that mentioned in the second section, in Vol. III, page
172.

Sec. 1. *BE it enacted by the General Assembly of the* Act of 1805
Commonwealth of Kentucky, That the act approved De- repealed in
cember 19th 1805, entitled "an act to repeal in part the part.
act erecting sundry counties into election precincts,"
be, and the same is hereby repealed.

Sec. 2. *Be it further enacted, That all that part of the* Act of 1804
act of 1804, erecting election precincts in the county of revived in
Adair, be, and the same is hereby revived. part.

Sec. 3. *Be it further enacted, That all that part of the* Precinct in
county of Grayson, included within the following bounds, Grayson.
to wit: Beginning at Thomas' ford, on Rough creek,
thence down said creek to the line of Ohio county;
thence with said line to the line of Butler county; thence
with the line of said county to the road leading from
Morgantown to Litchfield; thence with said road to
James Sams'; thence a direct line to Daniel Ascraft's,
on the road leading from Litchfield to Thomas' ford,
on Rough creek; thence with said road to the begin-
ning; shall be, and the same is hereby erected into an
election precinct in the said county of Grayson.

Sec. 4. *Be it further enacted, That all that part of the* Wayne,
county of Wayne, included within the following bound-
ary, to wit: Beginning at John Vanwinkle's, near
the Tennessee line; thence to Abraham Vanwinkle's;
thence to George Wollscale's; thence to Robert Wal-

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lace's ; thence to Frederick Cooper's ; thence a direct line to Cumberland river, opposite the mouth of Wolf creek ; thence down the river, and with the line of said county to the beginning ; shall be, and the same is hereby erected into an election precinct in the said county of Wayne.

Where to
meet & vote.

Sec. 5. *And be it further enacted.* That all the qualified voters living within the bounds of the precincts hereby laid off, shall meet, those in the county of Grayson, at the house of Jacob Myers in the said precinct ; and those in the county of Wayne, at the house of Thomas Johnson, Esq. or at their respective court-houses, on the day appointed by the constitution and laws of this state, and vote in all cases where elections are to be held, in the same manner and under the same rules and regulations as if they were voting at their respective court-houses in said counties of Grayson and Wayne, subject to the same fines, penalties and forfeitures in all cases as if this act had not passed, and as if said voters were voting or attempting to vote at their respective court-houses.

Penalty.

When judges
& clerks ap-
pointed.

Sec. 6. *Be it further enacted.* That the county courts of Grayson and Wayne counties shall, at the same time they appoint a clerk and judges to preside at the election for the balance of the said county, shall also appoint a clerk and judges to preside at the election to be held in the precincts hereby directed. It shall be the duty of the sheriffs of said counties respectively, to attend the said elections by themselves or deputies, as in other cases ; and the said sheriff, clerk and judges shall be in all cases governed in conducting said election to be held in said precincts, as if the same were held at their respective court-houses.

Sec. 7. *Be it further enacted.* That the sheriff or deputy who shall preside at the elections in the said precincts, shall meet the sheriff who presided at the court-house of the county to which such precinct belongs, at their respective court-houses, on the fourth day after the commencement of such elections, and shall then and there together compare the polls taken at the precinct and at the court-house, and shall make such returns and grant such certificates as the result of the comparison of the polls will justify, and as the constitution and laws direct and require on such occasions.

CHAPTER LIV.

1812.

An ACT further to revive and extend the operation of the fourth section of the act entitled "an act further to regulate the payment of the debt due the Commonwealth for the sale of vacant Lands," approved January 27th 1812.

Approved January 28, 1813

The act revived will be found in Vol. IV, page 333.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That the fourth section of the act entitled "an act further to regulate the payment of the debt due the commonwealth for the sale of vacant lands," approved January 27th 1812, shall be, and the same is hereby revived, continued and prolonged in operation until the first day of April next.

CHAPTER LV.

An ACT to repeal the act allowing Water-Works to be erected on the Kentucky River, and for improving the Navigation thereof near the Town of Frankfort, approved December 17, 1803.

Approved January 29, 1813.

The act repealed will be found in Vol. III, page 120.

WHEREAS it appears to the present general assembly, that the dam built by Martin Hawkins across the eastern branch of the Kentucky river, at the upper end of the island below Frankfort, called the Fishtrap island, is an injury to the navigation of said river: Therefore,

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the first, second, third, fourth and fifth sections of the act entitled "an act allowing certain water-works to be erected on the Kentucky river, and for improving the navigation thereof near the town of Frankfort," approved December 17, 1803, shall be, and the same is hereby repealed.*

Sec. 2. *Be it further enacted, That Martin Hawkins, who is named in the before recited act, shall, within nine months after the passage of this act, remove out of the Kentucky river the aforesaid dam, the materials thereof, and all other works made by him or by his direction, across the eastern branch of said river, at the place aforesaid.*

Recital.

Certain sections of the above recited act repealed.

Proprietor to remove said works within nine months.

1812. *Sec. 3. And be it further enacted,* That if the said Martin Hawkins fails to comply with the requisitions contained in the second section of this act, within the time mentioned therein, it shall be, and is hereby made the duty of the attorney-general to proceed immediately against the said Hawkins and his securities, in the manner directed by the sixth section of the act aforesaid.

In case of failure, how to be proceeded against.

CHAPTER LVI.

An ACT to authorise the bringing and prosecuting actions of Trespass in certain cases.

Approved January 29, 1813.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That all and every person or persons who have or may hereafter appropriate any lands under the laws of this commonwealth, and hold the same by entry or survey, although he, she or they may not have obtained a grant or patent therefor, or shall hold land or other real estate by bond or other conveyance stipulating a conveyance thereof, may institute and prosecute actions of trespass for injuries done on said lands, in the circuit court of the county in which such land may lie, in the same manner as he, she or they might do if a patent had been obtained for the same: *Provided, however,* that in all such cases it shall be lawful for the defendant to plead that he is the rightful owner of the land on which such trespass is supposed to have been committed, by title paramount or superior to that of the plaintiff in such action; upon which plea, and issue joined, if it shall be found that the defendant is the proprietor, or that he entered claiming title to the premises under the paramount or superior title to the estate in question, peaceably and without force or actual violence, a verdict shall pass and judgment be entered in favor of such defendant.

Persons having only an equitable title to lands, may maintain actions of trespass, in certain cases.

CHAPTER LVII.

An ACT making additional compensation to the detachment of Volunteers from this State in the service of the United States, in the event therein specified.

Approved January 29, 1813.

Had its effect.

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CHAPTER LVIII.

1812.

An ACT for the relief of the Sheriffs of Jefferson, Mercer, Garrard, Pendleton, Fayette and Nicholas.

Approved January 30, 1813.

They had failed to return their delinquent lists: This act permitted them to do it within ten days after its passage.

CHAPTER LIX.

An ACT supplemental to the act for establishing Fire Companies.

Approved January 30, 1813.

The act referred to will be found in Vol II, page 45.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That where any company or companies already formed, or shall hereafter be formed in any town or corporation within this commonwealth, by virtue of an act of the general assembly entitled "an act authorising the establishment of fire companies," it shall and may be lawful for the directors or officers who may be severally constituted to carry the object of the said act into full effect, to cause all the free male inhabitants above the age of sixteen years, actually resident in the town or corporation where such companies are or shall be formed, who have not subscribed to the forming of the same, to be enrolled as composing a part of the said company; and where there are two or more companies formed as aforesaid, such non-subscribers shall be enrolled in the company most convenient to their places of residence.

Inhabitants of towns to be enrolled in the fire companies.

Sec. 2. *Be it further enacted,* That in the time of a fire, each male slave above the age of sixteen years shall attend at the place of such fire, and assist in extinguishing the same, or on failure thereof the master or employer of such slave shall be fined agreeably to such rules and regulations as shall be established for the government of the respective companies where such slave shall reside: *Provided,* that the officers of any company may excuse those slaves who in their judgment are incapable of rendering service towards extinguishing the said fire.

Male slaves above 16, to attend.

1812.

CHAPTER LX.

An ACT to alter the time of holding certain Courts in this Commonwealth.

Approved January 30, 1813.

Circuit court of Lewis. SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That the circuit courts for the county of Lewis, shall commence and be held on the fourth Mondays in the months of April, July and October, in every year, instead of the third Mondays in March, June and September; and may continue six juridical days at each term, if the business thereof require it.

County court of Lewis. SEC. 2. *Be it further enacted.* That the county courts of said county of Lewis, after the first Monday in March next, shall be held on the same Mondays in every month in the year in which the circuit courts are therein respectively directed to be held by this act, except the months in which the circuit courts are held.

Writs, &c. made returnable to said courts. SEC. 3. *Be it further enacted,* That all writs, recognizances and process which are or shall be sued out before the first term of the said circuit court of Lewis, as directed by this act, and made returnable to the first term of the said court heretofore directed by law to be held, shall be returnable, and returned to the first term of the said court as directed by this act to be held; and there shall be no discontinuance of any suit, writ, process or motion depending or to be made or issued in the said court, by reason of the alteration made by this act in the terms of holding said court.

Christian county courts. SEC. 4. *Be it further enacted,* That from and after the first day of March next, the county courts of Christian shall commence on the first Mondays in those months in which there are no circuit courts holden.

County court of Caldwell. SEC. 5. *Be it further enacted.* That from and after the said first day of March next, the county courts of Caldwell shall be held on the fourth Monday of every month, except those months in which the circuit courts are held.

Livingston county courts. SEC. 6. *Be it further enacted.* That from and after the said first day of March next, the county courts of Livingston shall commence on the third Monday in every month, except those months in which the circuit courts are held.

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Sec. 7. *Be it further enacted*, That the county of Bourbon shall hereafter be entitled to the addition of two county courts, the one to be held on the first Monday in May, and the other to be held on the first Monday in November in each year; and said courts shall be governed by the same rules and regulations as other county courts in this commonwealth, any law to the contrary notwithstanding.

1812.

Bourbon
county courts

CHAPTER LXI.

An ACT to amend an act entitled "an act to amend an act establishing the Court of Appeals, and for other purposes, approved December 19, 1801."

Approved January 30, 1813.

The act amended will be found in Vol. II, page 443.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That so much of the act approved December the 19th, 1801, as declares that the court of appeals shall be composed of four judges, shall be, and the same is hereby repealed. And the court of appeals hereafter shall be composed of three judges only, two of whom shall make a court; but in that case, when the court shall be divided the cause shall stand continued until a full court can be had; and hereafter no judgment or decree of any inferior court shall stand affirmed on the division of the court of appeals, unless one of the said judges shall be interested, or refuse to sit in said case; but in all other cases two of said judges shall concur in their judgment or decree, any law to the contrary notwithstanding: *Provided, however*, that nothing in this act contained shall be so construed as to prevent one judge from constituting a court, where the parties upon whose cause a judgment is to be had shall consent thereto.

Law adding a
fourth judge
repealed.

What num-
ber shall com-
pose the
court.

The parties
consenting,
one judge
may consti-
tute a court.

Sec. 2. *And be it further enacted*, That whenever a vacancy or vacancies shall or may hereafter happen in the said court, by the death, resignation or otherwise of any one or more of the judges now composing the said court, that the judge or judges thereafter to be appointed to fill such vacancy or vacancies, shall immediately from the date of said appointment and commission, res-

Salary raised.

DECEMBER SESSION,

1812.

pectively receive, in addition to the salary now allowed by law, the sum of five hundred dollars, from the treasury of this commonwealth, payable quarterly.

This act shall commence and be in force from and after the last day of the present session of the general assembly.

CHAPTER LXII.

An ACT for the benefit of the heirs of William Parish, John Montford, Michael Couchman and James Hawkins.

Approved February 1, 1813.

The act authorised guardians and commissioners to sell lands descended to them.

CHAPTER LXIII.

An ACT further to regulate the payment of the debt due the Commonwealth for the sale of vacant Land.

Approved February 1, 1813.

The act first mentioned in the 6th section, will be found in Vol. IV, page 333; the one last mentioned, in Vol. III, page 385, but it passed the 27th of December 1806.

12 months in-
dulgence is
given on 400
acres.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That any person claiming lands under any law of this commonwealth for the sale of vacant land within the limits thereof, may, upon complying with the conditions prescribed in this act, obtain and receive indulgence for the payment of the state price due on any number of acres not exceeding four hundred.

In which case
proof to be
made, and in
what manner.

Sec. 2. Any justice of the peace for any county within this commonwealth, upon application and satisfactory proof being made, by the oaths of one or more credible witnesses, to be examined before him, that the applicant was actually and in good faith a settler at the time of the passage of this act, within the county wherein said land lies, or in the county wherein said certificate was originally granted, or such other county as may have since been stricken off from such county, and by his own oath, that he was the owner of said land at the

passage of this act, and that he has not previously obtained a certificate from any other justice under the provisions of this act; which oath shall be stated in said certificate, and returned to and filed in the auditor's office; such justice shall, without fee, give to such applicant a certificate that he was actually and in good faith a settler, at the time of the passage of this act, within the county wherein said land now lies, or was originally granted, or such other county as may have since been stricken off from it; which certificate shall also contain a description of the lands for which said indulgence is to be granted, by shewing the number and date of certificate or certificates, and the name or names of the person or persons to whom the same was originally granted.

1812.

Justice to give a certificate.

Form of certificate.

Sec. 3. It shall be the duty of the auditor, when any person shall produce to him a certificate obtained under the provisions of the second section of this act, to file the same, and make a note thereof in the margin of his book, opposite such claim or claims; and the land described in such certificate shall not be exposed to sale as in other cases: *Provided*, the said certificate is filed with the auditor on or before the second Monday in October next.

Auditor's duty.

Sec. 4. Every person having obtained a certificate under the provisions of this act, and returned the same to the auditor's office, who shall pay into the public treasury, within twelve months from the passage of this act, the whole amount of the state price, or the balance in full, in case of partial payment already made, shall be entitled to a discount of all the interest due or to become due thereon.

Interest remitted.

Sec. 5. If any person who may obtain indulgence under the provisions of this act, shall fail to pay into the public treasury, within twelve months from its passage, any instalment which may be due on said land, the land shall not be sold to the highest bidder, as in other cases, but shall be forfeited, and revert to the commonwealth; subject, however, to the future disposition of the legislature.

In cases of non payment land reverts to the commonwealth.

Sec. 6. The sales of lands directed to be made by the register of the land-office, under the act of assembly approved January 27th, 1812, entitled "an act further to regulate the payment of the debt due the commonwealth"

Sales of lands suspended.

1812.

for the sale of vacant lands," shall be, and the same are hereby suspended until the first Monday in November next; and the auditor and register shall respectively proceed to perform the duties required under the provisions of an act entitled "an act providing for the payment of the debt due this commonwealth," approved December 26, 1806; and the register shall commence the sales on the second Monday in November next, and in all things be governed by the provisions of the before recited act.

12 months allowed for the redemption of lands.

Sec. 7. *Be it further enacted*, That any person or persons whose lands may have heretofore been stricken off to the state, who shall produce a certificate or certificates obtained conformably to the provisions of the second section of this act, shall be allowed twelve months from the passage of this act to redeem the same, by paying into the public treasury the whole amount of the state price due or to become due upon such claim and claims, and also have a deduction of the interest due and to become due thereon; and the said claimant or claimants shall moreover be allowed to redeem the said claim or claims within twelve months from the passage of this act, by paying into the treasury the amount of the instalment for which it was sold, together with six per centum interest per annum thereon, together with the costs of sale, and such tax as would have become due thereon.

By the payment of 6 per cent, &c.

Sec. 8. Any person claiming land under any law of this commonwealth for the sale of vacant land, as well where the land has been stricken off to the commonwealth as otherwise, may, upon the payment of the state price, together with all the interest due thereon up to the time of payment, together with the costs of sale, on or before the first Monday in December 1813, be entitled to a discount of the interest to become due thereafter.

Half of the interest remitted, if price is paid in six months.

Sec. 9. *Be it further enacted*, That any person who shall, within six months from the passage of this act pay into the public treasury the full amount of the state price on any tract of land, or the balance, in case of a partial payment already made, shall be entitled to a discount of one half of the interest due or to become due thereon.

Time given for redemp-

Sec. 10. *Be it further enacted*, That any person whose lands shall be sold under the provisions of this act, may.

within twelve months after such sale, redeem any quantity thereof not exceeding four hundred acres, upon producing to the auditor such certificate as is described in the second section, and paying into the treasury the amount for which such land was sold, together with an interest thereon at the rate of ten per cent. per annum, to be repaid to the individual purchaser, if one, upon application: *Provided also*, that any person redeeming under the provisions of this act, who shall, at the time of such redemption, pay into the public treasury the whole amount of the state price, or the balance, in case of a partial payment already made, shall be entitled to a discount of all the interest due or to become due, the ten per cent. or redemption only excepted: *Provided also*, that the oaths required to be made by claimants themselves, may, in the cases of *femes covert*, be made by the husband; and in cases of infants, and persons of insane mind, by their guardian, committee or friend; in all which cases the party making oath shall expressly swear to the situation of the persons in whose behalf he makes oath, and that he is acting for them in good faith.

1812.

tion in certain cases.

Proviso.

CHAPTER LXIV.

An ACT for the relief of George Pickett and Seth Duncan.

Approved February 1, 1813.

They had been sureties for James Little, sheriff of Bourbon. This act released them from damages, on their paying the principal.

CHAPTER LXV.

An ACT remitting certain Damages to Sheriffs of this Commonwealth, and altering the December Term of the General Court.

Approved February 1, 1813.

WHEREAS the sheriffs in this commonwealth, in many instances, have failed to collect and settle for the revenue tax for the year 1812, owing to a large number of the debtors to the state being absent in the service of the United States: Therefore,

1812.
 Sheriffs ex-
 empted from
 damages in
 certain cases.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That any sheriff who shall have, before the passage of this act, paid into the public treasury the whole amount of revenue tax with which he is charged, and payable into the treasury on or before the 10th day of November 1812, shall be exempt from all damages and interest; or if any sheriff shall have paid a part of the revenue of his county, he shall be exempt from so much interest and damages as would have accrued on said sum; and if the auditor shall have in any case exacted such damages and interest from any sheriff, and the money paid into the treasury, it shall be the duty of the auditor, and he is hereby directed to give such sheriff a warrant on the treasury for the same.

Sec. 2. And where the auditor shall have obtained a judgment against any sheriff, and not collected the same, the auditor shall endorse a credit on such judgment for all damages and interest which shall have accrued thereon.

Sec. 3. *And be it further enacted,* That the respective sheriffs or collectors of the public revenue shall hereafter have until the first Monday in December in each year to pay the amount thereof into the public treasury, any law to the contrary notwithstanding.

Gen'l. court
 to sit the 2nd
 Monday in
 December.

Sec. 4. *Be it enacted,* That the term of the general court now directed to be held on the first Monday in December, shall hereafter commence and be held on the second Monday in the said month in every year.

CHAPTER LXVI.

An ACT for the relief of Robert Dougherty.

Approved February 1, 1813.

This act gave him a credit for \$20, which he had paid into the treasury, but which was not credited on the treasurer's books.

CHAPTER LXVII.

An ACT concerning the Seminary of Warren County, and authorising a Lottery for the benefit of said Institution.

Approved February 1, 1813.

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CHAPTER LXVIII.

1812.

An ACT authorising the Attorney-General to institute a suit against the heirs of John Logan, deceased, late Treasurer of this Commonwealth.

Approved February 1, 1813.

CHAPTER LXIX.

An ACT concerning Securities.

Approved February 1, 1813.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That all and every bond, hereafter entered into, either before a magistrate, or court, or clerk of any court in this commonwealth, for the costs and damages of any suit brought, or that may hereafter be brought in this state by any non-resident, shall have the force and effect of a judgment.

Bonds for costs to have the force and effect of a judgment.

SEC. 2. And the several clerks and magistrates shall from time to time, as costs or damages be adjudged or become due to any defendant in any such suits, or to any of the officers of court, or magistrate, where the same shall be, shall issue execution on such bond from time to time, for such sum or sums as shall be adjudged or become due, and shall be endorsed thereon without fee, the respective sums, or part thereof, that shall be due to the defendant, and to each officer of said court, or magistrate; which execution shall be delivered to the proper officer, who shall proceed to levy and collect the same, and shall pay over to each person thereto entitled his due proportion thereof, or be liable therefor in the same manner as in other cases.

Executions may be issued on such bonds.

How collected and accounted for, and to whom paid.

CHAPTER LXX.

An ACT to amend the act entitled "an act for the benefit of the heirs of John Breckenridge, deceased."

Approved February 1, 1813.

The provisions of this act are too personal and minute to require a detail.

DECEMBER SESSION,

1812.

CHAPTER LXXI.

An ACT allowing an additional number of Justices of the Peace to the Counties of Union, Henderson and Gallatin.

Approved February 1, 1813.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That the counties of Union, Henderson and Gallatin shall be entitled to the following number of justices of the peace therein, in addition to the number now allowed by law : The county of Union, two ; the county of Henderson, one ; and the county of Gallatin, one.

CHAPTER LXXII.

An ACT concerning the Towns of Washington and Maysville, in the County of Mason.

Approved February 1, 1813.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That the trustees of the towns of Washington and Maysville, in the county of Mason, may, in addition to the taxes now allowed by law to be collected therein, respectively impose a tax on the real property in each of the said towns, not exceeding seven hundred and fifty dollars, for the purpose of procuring fire engines for the use of the said towns ; and shall have power to enforce the collection thereof, in the same manner and under the same regulations that other taxes are collected in the said towns respectively, and to appropriate the same to the use aforesaid.

CHAPTER LXXIII.

An ACT to amend the Penal Laws of this Commonwealth.

Approved February 1, 1813.

Interruption
of persons as-
sembled for
religious wor-
ship.

SEC. 1. BE it enacted by the General Assembly of the Commonwealth of Kentucky, That if any person shall wilfully, maliciously or contemptuously interrupt or disturb any congregation assembled in any church, chapel, meeting-house or other place of religious wor-

ship, or misuse any person being there; a justice of the peace, together with the sheriff or under-sheriff of the county, or constable, where such interruption or disturbance shall have been committed, shall come with the power of the county (if need be) to arrest him or them so disturbing the congregation, and shall arrest such person or persons, and put him or them in the jail of the county, unless he or they shall give bail with sufficient security for his or their appearance at such time and place as may be fixed on by the justice aforesaid: and it shall be the duty of the sheriff, or under-sheriff, or constable, to summon twelve qualified jurors to attend at the time and place directed by the justice aforesaid, who, after being sworn by any justice of the peace for said county, shall proceed to punish each offender by a fine not exceeding thirty dollars; and in default of the payment thereof, the person or persons so offending shall be imprisoned not exceeding fifteen days. And if the offender or offenders depart before the coming of such justice and sheriff, or under-sheriff, or constable the justice as aforesaid shall diligently enquire after such offender or offenders, by a precept to the said sheriff, or under-sheriff, or constable, directed; and for this purpose, the sheriff, or under-sheriff, or constable, having a precept to him directed by said justice, shall summon the offender or offenders, and return twelve proper persons for jurors, who, having been sworn as aforesaid, or in case of their non-attendance, the deficiency being supplied by by-standers, shall enquire into such disturbance or interruption, and shall award against him or them whom they shall find guilty thereof, due pains by imprisonment or amercement, as is before directed. And if any of the jury should fail to attend as aforesaid, he or they may be fined at the discretion of the said justice, not exceeding five dollars each; and should the sheriff, under-sheriff, or constable, fail to do the duty assigned him by this act, he shall forfeit to the commonwealth twenty pounds, to be recovered by action of debt in any court having cognizance thereof, to be applied towards lessening the county levy; and moreover the justices of the peace in every county, where such disturbance or interruption shall not be made in their presence, having information upon oath or affidavit, together with the sheriff, under-sheriff, or constable,

1812.

Offenders may be committed to jail by a justice of the peace.

Duty of the officer attending such justice.

Penalty on such offender

Duty of the justice in case the offender departs.

Jury to be summoned.

Penalty on jurors failing to attend.

Penalty on the officer failing to do his duty. How collected and applied.

1812.
 {
 Penalty on
 the justice.

ble, of the same county, shall execute this act by summoning of a jury, and proceeding as before directed; and on default thereof, shall forfeit to the commonwealth thirty pounds, to be recovered by action of debt in any court having cognizance of the like sums, to go towards lessening the county levy.

Sec. 2. *And be it further enacted,* That so much of the thirty-sixth section of an act entitled "an act to amend the penal laws of this commonwealth," as comes within the purview of this act, shall be, and the same is hereby repealed.

Compensa-
 tion to the of-
 ficer.

Sec. 3. *And be it further enacted,* That the sheriff, or under-sheriff, or constable, shall be entitled to one dollar and fifty cents for summoning each jury under this act, and attending on the trial, and conducting to jail any offender against the same; the officer shall be allowed the sum of one dollar for arresting each person, and for summoning each witness, twenty-one cents. And the defendant shall, in every case in which he is found guilty under this act, pay the cost of the prosecution; and the prosecutor shall, in every case where the defendant is acquitted, pay the cost of the prosecution; for which judgment shall be rendered and execution issued as in other cases.

How and by
 whom paid.
 Persons com-
 mitting a
 rape to suffer
 death in cer-
 tain cases.

Sec. 4. *Be it further enacted,* That if any person shall hereafter be convicted of a rape upon the body of an infant under the age of twelve years, he shall suffer death.

All fines collected under this act shall go to lessen the county levies, to be accounted for as other sums are for lessening the county levies.

CHAPTER LXXIV.

An ACT providing for the collection of the Revenue Tax in the County of Floyd, for the years of 1807, 1809 and 1811.

Approved February 1, 1813.

XXI. YEAR OF THE COMMONWEALTH.

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CHAPTER LXXV.

1812.

An ACT to increase the powers of the Trustees of the Town of Paris, so far as respects their Town Tax.

Approved February 1, 1813.

WHEREAS it is represented to the present general assembly, that the tax which the board of trustees of the town of Paris, in the county of Bourbon, is authorised to levy and collect from the citizens thereof, is inadequate to the purposes for which it was designed : For remedy whereof,

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the board of trustees of the said town of Paris, shall hereafter have the power and authority to raise by taxation, from the residents and holders of property in said town, any sum in their discretion, in every year, not exceeding five hundred and fifty dollars, in lieu of the sum of two hundred dollars which they are now authorised to levy and collect.

Sec. 2. *And be it further enacted,* That the said sum or sums authorised to be levied and collected by this act, shall be levied and collected in the same manner, and under the same rules and regulations which heretofore applied by law to the former tax of said town. And the trustees shall have the same power and authority to carry this act, and the tax levied by virtue thereof, into execution, which they have heretofore had as to their former tax.

CHAPTER LXXVI.

An ACT making provision for the payment of Commonwealth's Attornies.

Approved February 2, 1813.

The act referred to, is in Vol. IV, page 227.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That in all cases where compensation has not been made to commonwealth's attornies for past services, the circuit and county courts respectively shall proceed to make provision for such compensation, in the manner prescribed by an act entitled "an act for the relief of commonwealth's attornies

1812.

Proceedings
of certain
county courts
legalised.

in certain cases. and to legalise the proceedings of certain county courts,' approved January 25th. 1811.

Sec. 2. *Be it also enacted.* That so much of the proceedings of all county courts which have already provided for the payment of commonwealth's attornies, shall be, and the same is hereby legalised and made valid to all intents and purposes.

CHAPTER LXXVII.

An ACT to amend the several acts respecting the Turnpike and Wilderness Road.

Approved February 2, 1813.

The act referred to will be found in Vol. IV, page 264.

Certain section of an act repealed.

Governor to appoint commissioners

Their powers.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That so much of the act approved the 31st day of January 1811, appointing and providing for the appointment of managers of the turnpike and wilderness road, is hereby repealed; and it shall be the duty of the governor annually to appoint three fit persons, commissioners of said road, who shall possess all the powers vested in said managers by the before recited act, and shall also enter into bond and security in the same manner, and take the same oath as is prescribed by the said act.

Sec. 2. *Be it further enacted,* That the said commissioners shall be, and they are hereby authorised to employ hands by the year to work on the said road, and to make such contract for that purpose as may seem to them just and necessary; or may purchase, with any funds in their hands arising from said turnpike, any number of young able-bodied healthy negro men, not exceeding ten, to be employed in working on the said road when necessary, and to be hired out for the benefit of said institution when not necessarily employed on the said road; and in making such purchases they shall take good and sufficient conveyances of the title to such slaves to the governor of this commonwealth and his successors in office, for the use of the commonwealth.

Commissioner to be appointed

Sec. 3. *Be it further enacted,* That a commissioner shall be appointed by the governor, who shall have full power and authority to settle with all former commis-

sioners, or others concerned in the management of said road, and to receive any money that may be in their hands for or on account of said road; and on their failure to settle for and pay the same, the commissioners to be appointed may and shall sue for the same, and enforce the collection thereof according to the existing contract or obligation of the person or persons so refusing, and shall pay the same to the keeper of the turnpike, on or before the first day of November next after the passage of this act, or as soon thereafter as the same may be collected. And on failure of said commissioner to pay over any money thus collected, the keeper of the turnpike gate is hereby authorised to sue for and recover the same; and the keeper shall account for any and all money he may thus obtain, as other turnpike money. And the commissioner so to be appointed to settle with and collect from such former or other commissioners, the monies so by them received, shall be allowed thereout the sum of two dollars per day for every day he shall be necessarily employed in such service; his account therefor to be approved of by the governor of this commonwealth.

1812.

pointed to settle with former ones.

His compensation.

Sec. 4. *Be it further enacted*, That the said commissioners may employ some fit person to superintend the working of said road, and to provide for, take care of, and manage the hands employed or purchased under the provisions of this act, and shall make such allowance therefor as may be just.

Sec. 5. *Be it further enacted*, That if any person shall hereafter obstruct, dig up, or in any other manner injure the said road, any bridge, causeway or ford thereon, such person, or the father, master or guardian of such person, if an infant or slave, shall be liable to a fine not exceeding ten dollars, for every twenty-four hours such obstruction or injury shall remain unremoved or unrepaired.

Penalty for obstructing the road.

Sec. 6. *Be it further enacted*, That if any person shall hereafter tear, destroy, pull down, or deface the gates of toll, required by law to be kept up at the turnpike gate, the person so offending shall be fined in any sum not exceeding ten dollars, for the use of said turnpike road.

Penalty for tearing down the gates of toll.

Sec. 7. *Be it further enacted*, That all penalties inflicted by this act, shall be recoverable by warrant, in

1812. the name of the commissioners aforesaid, before any justice of the peace.

CHAPTER LXXVIII.

An ACT for the relief of Jesse Renno.

Approved February 2, 1813.

He had been coroner of Muhlenburgh county, and in that capacity had collected and paid money into the treasury. This act authorised the auditor to correct a mistake which operated to his prejudice.

CHAPTER LXXIX.

An ACT for the benefit of William Stephens.

Approved February 2, 1813.

This act authorised a divorce, in a case not provided for by the general divorce law.

CHAPTER LXXX.

An ACT to encourage the manufacturing of Salt in this Commonwealth.

Approved February 2, 1813.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That when any person or persons shall hereafter be desirous of erecting salt-works, either upon their own land or upon vacant land belonging to this commonwealth, and shall wish to acquire land adjacent thereto, it shall be lawful for the person so desiring, to apply to the surveyor, or his assistant, of the county in which such land shall lie, whose duty it shall be upon such application to lay off by survey, any quantity of land, not before legally appropriated, to the person or persons so applying, not exceeding one thousand acres, as nearly in a square as interfering claims will permit; which survey shall not interfere with the claim of any person not exceeding four hundred acres, including the improvement in the centre, as near as interfering claims will permit, who may have actually settled upon vacant lands since the expiration of the law granting certificates for vacant lands, and

before the passage of this act, in this commonwealth. And the surveyor of the county in which such survey shall be made, shall record all surveys made under the provisions of this act, in a well bound book to be by him kept for that purpose; and within three months after the survey shall have been made, upon application of the owner, deliver him a fair plat and certificate of survey of the quantity contained, the courses and descriptions of the several boundaries, natural and artificial; and shall also endorse on said plat and certificate the quality of the land, whether first, second or third rate.

1812.

Sec. 2. *Be it further enacted*, That upon the owner of such plats and certificates of survey producing the same to the register, together with the treasurer's receipt for the money, for first rate land, at the rate of one hundred dollars per hundred acres; for second rate land, at the rate of fifty dollars per hundred acres; and for third rate land, at the rate of twenty dollars per hundred acres; he shall receive and register the same, and issue a patent as in other cases.

Patent may
issue upon
making pay-
ment.

Sec. 3. *Be it further enacted*, That the surveyor, for performing the duties required of him by this act, shall be allowed the same fees as are now allowed him by law for similar services.

Surveyor's
fees.

Sec. 4. *Be it further enacted*, That the person desiring to appropriate land under the provisions of this act, shall make oath before some justice of the peace in the county where such land shall be intended to be appropriated, that he verily believes he has discovered salt water, and that his intention is to procure land for the purpose of carrying on salt-works; which oath shall be reduced to writing by said justice, and delivered to the party, and by him delivered to the surveyor, before he obtains his plat and certificate, who shall file and carefully preserve the same, and note in the margin of his book, opposite to the certificate of survey, that such affidavit is filed.

Person desir-
ing to locate,
must take an
oath.

CHAPTER LXXXI.

An ACT for the appropriation of Money.

Approved February 3, 1813.

This is the ordinary appropriation act.

1812.

CHAPTER LXXXII.

An ACT for the relief of Laurence M'Conn.

Approved February 3, 1813.

It directed the auditor to issue a quietus to him for the state price of 200 acres of land, and the register to issue a patent therefor.

CHAPTER LXXXIII.

An ACT for the relief of Mary Ward.

Approved February 3, 1813.

Her husband, in his lifetime, had settled on, and caused to be surveyed, fifty acres of vacant land, on Big Benson; but the plat and certificate of survey had been lost. This act authorised another survey to be made.

CHAPTER LXXXIV.

An ACT concerning the Boundary Line between this State and the State of Tennessee.

Approved February 3, 1813.

Preamble.

WHEREAS it appears from the communications made by the governor to this legislature, at the commencement of the present session, that the legislature of the state of Tennessee, by an act of their last session, have indicated a disposition to depart from the proposition formerly made by their government to this, of proceeding by the agency of commissioners, mutually appointed on the part of each, and acting in concert together, to ascertain by correct and scientific observation, the true line of separation between the respective states, agreeably to their chartered limits; and whereas it is deemed by this legislature, that the true interest and sound policy of this state, as well as that of Tennessee, require an explicit declaration of the views and ulterior determination of each other on this point, so important to the cultivation of harmony, and a proper understanding between the government, as well as citizens of two contiguous and friendly states: Wherefore,

Governor required to

Be it enacted by the General Assembly, That the governor of this commonwealth be requested to communi-

cate to the executive and legislature of the said state, the final determination of the government of this commonwealth, in relation to the ascertainment of the said boundary line, to be in conformity with that evinced by the government of Tennessee, in their proposition to ascertain the true boundary line between the said states agreeably to their chartered limits, as first alluded to in the preamble of this act; and to solicit in the most respectful terms from the said government, a recognition of this principle, and a correspondent determination on their part, with the adoption of the necessary measures for carrying the same into complete operation, and further expressing to the said government, in case of their final rejection of this overture, the disagreeable necessity imposed upon the government of Kentucky, of having the long contested question finally settled by a resort to the means pointed out by the constitution of the United States, for the decision of such controversies.

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communicate
with the ex-
ecutive of
Tennessee.

CHAPTER LXXXV.

An ACT to abolish the additional terms for the trial of Chancery Causes in the Circuit Courts for the Counties of Bourbon, Harrison, Madison, Clarke and Montgomery.

Approved February 3, 1813.

CHAPTER LXXXVI.

An ACT vesting jurisdiction in the Circuit Courts to authorise the sale of the real estate of Infants in certain cases.

Approved February 3, 1813.

WHEREAS it is deemed politic and just that infant heirs should be authorised by law to dispose of the real estates descended to them, in cases where such disposition will, in its immediate as well as ultimate consequences, redound to the benefit and advantage of such infant heirs :

Recital.

Sec. 1. *Be it enacted by the General Assembly, That* Guardian or infant to make application to court.
it shall be lawful for the guardian of any infant heir or heirs, who may be possessed of or entitled to any real

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Comm'rs to
be appointed.

estate in law or equity, either in possession or remainder, within this commonwealth, derived to such infant heirs by descent, whenever a sale thereof shall be deemed by such guardian for the interest of such infant heir, to apply for that purpose by petition to the circuit court of the county in which such real estate, or a part thereof, may be situated; or in any, in which any one or more of such infants may reside; setting forth in such petition, and suggesting that in the opinion of such guardian, a sale of the real estate of such infant will redound to the advantage of such infant; and supported by an affidavit of the petitioner, of the truth of the facts therein set forth. Whereupon it shall and may be lawful for such circuit court to appoint three commissioners, any two of whom shall be empowered and directed to ascertain and report to such circuit court the particular amount and value of such infant's estate, both real and personal. And in cases where the interest or estate of such infant so prayed to be sold as aforesaid, should be a joint and undivided one, held in conjunction with other heirs, of the same common parent or ancestor, whether such co-heirs be infants or adults, to direct a summons to issue against such co-heirs as are of lawful age, and the guardians or next friend of such as are under the age of twenty-one years, calling upon them respectively to appear before such court, on the first day of their next term, either to signify their assent or disapprobation of a joint sale of the whole of the inheritance in question, for the mutual and equal interest of all the said co-heirs, for money, upon such reasonable credit as the said court may direct. Upon the return of which summons executed, if such co-heirs, or any one of them, shall either fail or refuse to appear, or appearing, to yield their assent to such joint and mutual sale, it shall be the duty of such circuit courts, after the most mature and solemn consideration, as well of the present situation and necessities, as of the future prospect and advancements in life of such infant or infants, to decide and determine whether they will authorise and direct the sale of the interest of such infant heir, or any part thereof, in such real estate.

How sales to
be made.

Sec. 2. *And be it further enacted,* That in cases in which the said circuit courts shall determine that a sale of the interest of such infant heir ought to be made, they

shall proceed to enter up an order to that effect, directing a sale of such interest to be made, either in conjunction and jointly with the other co-heirs, where they concur, or of the interest of such petitioner alone, where such concurrence shall not have been obtained, to be made either by the guardian of such infant or a commissioner to be appointed by the court, upon such reasonable credit as the court may prescribe; such guardian or commissioner making such sale, taking bond and good security, to be approved of by such court, for the payment of such purchase money, agreeably to the terms of such sale, to the guardian of such infant. And it shall be the duty of the commissioner or guardian acting under any such order, from time to time, as required by order of such court, to make a written report of their proceedings; and the court shall have full power and authority, from time to time, upon the application of the guardian or next friend of such infant or infants, to order and decree the proceeds of such sale or sales to be disposed of and appropriated in such manner as may appear to them most consistent with equity and the welfare and interest of such infant or infants: *Provided, however,* that whenever the aforesaid application to the court is intended to be made by the next friend, he shall give reasonable and timely notice thereof to the guardian.

1812.

Guardian or
comm'rs. to
report to the
court.

Sec. 3. *Be it further enacted,* That in applications which may be made to any circuit court as aforesaid, in which the infant or infants applying as aforesaid shall be the sole proprietor or proprietors of the estate prayed to be sold, that the same proceedings as before prescribed shall be observed, except that the summons described to be issued against the co-heirs of such petitioners is dispensed with, and an order for a sale, upon the terms and in the manner before prescribed, may be entered up immediately upon such application.

Sec. 4. *Be it further enacted,* That in all cases of the sales of the interest of infant heirs at law, which may be effected in virtue of the provisions of this act, a conveyance by deed of bargain and sale, shall be executed by the guardian or commissioner by whom the same shall have been effected, in the name and on behalf of said infant heir, to the purchaser; which conveyance shall invest such purchaser with all the right, title, interest and

Deed of conveyance to be executed.

1812.

claim at law, as well as in equity, which such infant had in the premises, as fully and completely as if such infant had been of full age, and had executed the same with all legal formalities, any law or usage to the contrary notwithstanding.

Court may require guardian to render an account of his proceedings.

Proviso.

Sec. 5. *Be it further enacted*, That such court may at any time, by an order to be served on him, require any guardian acting under any order or decree made in pursuance of this act, to make report of his proceedings, or a settlement of his accounts, in such manner as the court shall direct: *Provided also*, that no order shall be made under the provisions of this act, for the sale of the real estate of any infant or infants, unless the guardian or guardians of such infant or infants shall have previously entered into and acknowledged before, and deposited for safe-keeping with the clerk of the court, a bond or bonds to such infant or infants, with good and sufficient security, to be approved of by the court, and in such penalty as the court shall direct, conditioned to discharge faithfully all the duties imposed on him or them by this act, or by any order or decree of the court in pursuance thereof; upon which suit may be instituted and recovery had thereon, by any person or persons injured by a breach of the condition thereof.

CHAPTER LXXXVII.

An ACT to amend an act entitled "an act further to amend the law altering the mode of taking in Lists of Taxable Property."

Approved February 3, 1813.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That where any citizen of this commonwealth has omitted, or shall hereafter omit to give in any list, or shall have given in an imperfect or informal list of his or her taxable property, with the commissioners appointed by law to receive the same, within the time now prescribed by law, it shall be lawful for such person to give into the county court of his or her county, at any term of such court which shall be held prior to the first day of the month of May, in each and every year, a complete list of his taxable property.

Sec. 2. *And be it further enacted*, That it shall be the duty of the clerk of the county courts, respectively, in which any original or additional list or lists shall have been entered as aforesaid, to deliver to the sheriff of such county, as early as practicable, attested copies of all such lists for collection. And the person or persons so adding to a former list, or giving an original list or lists, in case of a failure for one year or upwards preceding to such court, shall be subject to the payment of twenty-five per centum per annum on the amount of the taxes then due on such additional taxable property, or that which shall be contained in any such original list or lists; which taxes, and the per centum thereon, shall be collected and accounted for by the sheriff or collector of the county, at the same time and under the same rules and regulations with the revenue tax for the then current year.

1812.

Clerks to deliver to sheriffs copies of all such lists.

Penalty on persons for failing to give in lists within a certain time

Sec. 3. *And be it further enacted*, That it shall be the duty of the county courts, respectively, to transmit to the auditor's office annually, on or before the first day of June thereafter, the aggregate amount of such list or lists, so entered, in the county court of which he is the clerk as aforesaid.

Clerks to transmit amount of lists to auditor, & when.

Sec. 4. *Be it further enacted*, That where it shall be known to the sheriff, deputy sheriff or collector of any county, after the said first day of May in any year, that any person within the same has failed to give in a list of his or her taxable property according to law, it shall be the duty of any such sheriff, deputy sheriff or collector, to give information thereof to the next court to be held for the county; and such court, whenever such information shall be given, shall thereupon proceed to direct such delinquent to be summoned to show cause why he or she should not be fined and treble taxed, pursuant to the law now in force. And any sheriff, deputy sheriff or collector failing to give such information, when in his power so to do, shall be fined in the sum of twenty dollars, to be recovered by warrant before a justice of the peace, one half to the use of the informer and the other to be applied to lessening the county levy: *Provided*, however, that no sheriff, deputy sheriff or collector shall be subject to costs, upon the trial of any person or persons upon his information as aforesaid.

Duty of sheriffs and collectors to give information to county courts.

DECEMBER SESSION,

1812.

Further proceedings of county courts

Sec. 5. *Be it further enacted*, That it shall be the duty of the several commissioners who shall be appointed to take in lists of taxable property, to notice in writing, or in a distinct book, the names of all the persons who shall be known to him, either personally or by information, to reside within the bounds of the company or precinct allotted to him, who have failed to give in to him their lists of taxable property; which writing, or book, he shall return to the clerk's office of the county court, at the same time he is directed by law to return the lists of taxable property taken in by him. And the court shall, at their first term after the month of May, annually, cause their clerk to extract the names of those delinquents so returned, and who have not theretofore entered their lists of taxable property, agreeably to law, and cause such persons to be summoned and proceeded against agreeably to the law now in force, imposing a fine and treble tax for such failure.

Company and regiment to be noted in the books.

Sec. 6. *Be it further enacted*, That every commissioner of the tax, and the clerks of the several county courts, in making out their books containing lists of taxable property, shall distinctly notice the company and regiment wherein each person resides whose list has been taken.

When com's fail to return lists.

Sec. 7. *Be it further enacted*, That should any commissioner within this commonwealth hereafter fail to return his list of taxable property, to the clerk of the county court, within the time prescribed by law, it shall, notwithstanding, be the duty of the clerk to receive the same when returned, and as soon thereafter as practicable transmit a certified copy of such list to the auditor of public accounts, and deliver a similar copy to the sheriff or collector.

All acts or parts of acts coming within the purview of this act, shall be, and the same are hereby repealed.

CHAPTER LXXXVIII.

An ACT to authorise the Governor of this State to raise and organize a detachment of Militia.

Had its effect.

Approved February 3, 1813.

XXI. YEAR OF THE COMMONWEALTH.

CHAPTER LXXXIX.

1812.

An ACT to prevent persons in this Commonwealth from wearing concealed Arms, except in certain cases.

Approved February 3, 1813.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That any person in this commonwealth who shall hereafter wear a pocket pistol, dirk, large knife, or sword in a cane, concealed as a weapon, unless when travelling on a journey, shall be fined in any sum not less than one hundred dollars; which may be recovered in any court having jurisdiction of like sums, by action of debt, or on the presentment of a grand jury; and a prosecutor in such presentment shall not be necessary. One half of such fine shall be to the use of the informer, and the other to the use of this commonwealth.

This act shall commence and be in force from and after the first day of June.

CHAPTER XC.

An ACT to amend the Militia Law.

Approved February 3, 1813.

SEC. 1. BE it enacted by the General Assembly of the Commonwealth of Kentucky, That if any non-commissioned officer, musician or private, failing to march, or furnishing an able-bodied substitute in his place, when ordered and lawfully called on, or leaving the service without a discharge from the proper officer, shall be considered as a deserter, and treated as followeth, to wit: Any person may apprehend such deserter, and deliver him to the officer commanding such detachment, or any recruiting officer within this commonwealth, and take his receipt for the same; which receipt shall describe the name of such deserter, and the length of time he was to serve, and by whom he was delivered: which receipt shall be assignable; and the reward for taking and so delivering such deserter as aforesaid, shall be a credit for a tour or tours of duty for the length of time such deserter was bound to serve; and said deserter shall serve out the term of time aforesaid before he shall

Persons failing to perform tour of duty considered a deserter.

1812.

be discharged, in addition to the time he was to serve, if such term of time is then required, otherwise shall serve said tour or tours when required so to do. And any person holding such receipt, when he is called on to perform a tour or tours of duty, and producing the same to the captain calling on him, it shall be the duty of said captain to receive the same, and give the owner thereof a credit for as many tours as is therein contained.

Sec. 2. And where any delinquent militia man shall belong to any society who hold a community of property, the sheriff shall call on the agent or superintendent of the common stock or firm of said society or compact, for the same; and if he fails to pay the same as before described, the sheriff shall make distress, and sell so much of the property belonging to said stock as will satisfy the fine, cost, &c. as is before directed.

Brigade inspectors, quartermasters, adjutants & paymasters.

Sec. 3. *And be it further enacted,* That brigade inspectors and brigade quartermasters, when not taken from the line, shall each be entitled to the rank, pay and emoluments of a major of infantry; and adjutants, regimental paymasters and quartermasters, when not taken from the line, shall each be entitled to the rank, pay and emoluments of lieutenants of infantry; and whether taken from the line or not, shall receive the additional pay of ten dollars per month, and for forage for one horse.

Persons who may scruple to bear arms shall furnish a substitute.

Sec. 4. *And be it further enacted,* That where any non-commissioned officer or private who may conscientiously scruple to bear arms, is legally called on to perform a tour of duty in the service of this state or the United States, shall perform the same by himself or an able-bodied substitute; and upon failure, the commanding officer of the company shall hire a substitute, and the person failing to perform his tour shall pay the price said officer may agree to give said substitute, not exceeding one hundred dollars; which sum may be recovered by action of debt, before any court having jurisdiction of like sums.

Oaths.

Sec. 5. *And be it further enacted,* That while the militia are either in the actual service of this state or the United States, the several oaths which militia officers are required by law to take, may be administered by any commissioned officer belonging to the same corps.

Sec. 6. *And be it further enacted*, That so much of the militia law as requires the commandants of companies to lay off their companies into ten classes, for an equal routine of duty, shall be, and the same is hereby repealed. 1812.
Former law repealed.

Sec. 7. *And be it further enacted*, That hereafter, when the captains of companies are commanded to detach any number of men from their respective companies, for the service of this state or the United States, it shall be the duty of each captain to lay off his company by lot, into as many classes as the number of men he is ordered to detach; and the class or classes failing voluntarily to furnish a man, shall determine by lot which man shall do the duty required; and the man which each class may voluntarily furnish, and also the man selected by lot, shall be entitled to a credit for as many tours of duty as they may serve. But it is clearly to be understood, that no man shall be called on to perform a tour of duty, who has been drafted on the late six months' expedition, and served his tour by himself or substitute, or has volunteered and served said tour. And whereas a number of volunteers have served tours of thirty days, or more, either as mounted rifle men, pack-horse drivers or guards on the frontiers, and have got a discharge for the same; they, nor either of them, shall be called on to serve a tour, until every other man fit for such service, belonging to their respective companies, shall have served a tour or tours, to consist of an equal length of time, unless there shall be orders from the president of the United States for a detachment to serve a longer term of time than said persons may have served, and in that case they shall serve their tour. Companies, how to be classed.
Restrictions.

Sec. 8. *And be it further enacted*, That the commandants of regiments are hereby authorised and directed to call courts martial, at all times when it may be necessary, to try delinquents, or persons failing to perform a tour of duty, when called on for that purpose; or for the trial of any non-commissioned officer or private who may hereafter desert from the service of the United States, or of this commonwealth: *Provided, however*, that nothing herein contained shall be construed to alter the day already provided by law for trying persons for failing to attend musters. Courts martial.

1812.

Persons ex-
empted from
militia duty.

Sec. 9. *Be it further enacted*, That no able-bodied free white male inhabitant of this state, over eighteen and under forty-five years of age, shall hereafter be exempt from militia duty, when regularly called on, except ministers of religion, ordained and authorised to preach according to the rules of their respective sects: *Provided*, that nothing herein contained shall be so construed as to compel any person heretofore exempted by the militia law from the performance of militia duty, to attend musters, unless when called on to stand a draft or perform a tour of duty.

Exemptions.

Sec. 10. *Be it further enacted*, That no person actually employed about any iron-works, nor turnpike-gate keepers in this state, shall be compelled to attend musters, except for the purpose of standing a draft or performing a tour of duty as aforesaid.

Uniformed
companies.

Sec. 11. *And be it further enacted*, That hereafter every non-commissioned officer and private belonging to any uniformed company, who shall appear on parade at any muster without being in complete uniform, agreeable to the rules of the company to which he belongs, shall be fined in a sum not exceeding fifty cents, at the discretion of a court of assessment.

Field officers
may alter the
bounds of re-
giments, bat-
talions & com-
panies.

Sec. 12. *Be it further enacted*, That the field officers in each regiment in this commonwealth, shall proceed, without delay, to alter and regulate, if necessary, the boundaries of their battalions and companies within their regiments, so as to make them contain as nearly as possible the same number of privates; and no new company shall hereafter be raised, unless it can be done without reducing any company below the number of sixty-four privates; nor shall any new company hereafter be raised, unless it consists of sixty-four privates; and the field and company officers of each regiment of infantry, shall furnish the judge advocate with the bounds of his command, within six months after the passage of this act, who shall record the same.

Witnesses
may be sum-
moned.

Sec. 13. *Be it further enacted*, That any person summoned and attending any court martial for the trial of any officer, such witness shall be entitled to the same pay for his attendance, and mileage and ferriages, as are now allowed by law for witnesses attending the trial of criminal prosecutions, and paid in the same way; and any witness being summoned and failing to attend

any such court, shall be fined in double the amount of what he would have been entitled to if he had attended such court; to be levied, collected and disposed of as other military fines assessed by courts of similar jurisdiction.

1812.

Sec. 14. *Be it further enacted*, That hereafter troops of cavalry, when formed into squadrons or regiments, shall not be confined to any brigade or division; but they, or any troop thereof, may be raised at the discretion of the governor, without regard to any such boundaries, and be attached by him to any brigade or division he may direct. Troops of cavalry.

Sec. 15. *Be it further enacted*, That the 84th section of the act to revise and amend the militia law, approved 29th January 1812, be, and the same is hereby repealed, so far as it respects rifle companies. And all fines hereafter arising from a member or members of any company of riflemen, shall be applied to the use of the regiment to which they belong. 84th section repealed in part.

Sec. 16. *Be it further enacted*, That any sheriff going out of office before the first day of April in each year, shall be allowed to transfer all the militia fines in his hands to his successor, who shall pass his receipts for the same to the sheriff going out of office; which receipts, upon being delivered to the respective commanders of regiments, shall discharge the sheriff going out of office, and oblige his successor to account for the amount thereof according to law. Sheriff's duty in making collections, &c.

CHAPTER XCI.

An ACT concerning the Town of Versailles.

Approved January 28, 1813.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That the main cross street in the town of Versailles, shall be, and the same is hereby established seven feet and an half north from where it would be by actual measurement, agreeable to the plan of said town.

DECEMBER SESSION, 1813.

1813.

CHAPTER XCII.

An ACT concerning the Court of Appeals and General Court.

Approved December 7, 1813.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall and may be lawful for the court of appeals and general court to sit at any convenient house in the town of Frankfort, until otherwise provided for by law, any law to the contrary notwithstanding.

CHAPTER XCIII.

An ACT to authorise the Governor and Secretary of this State to use their private seals to their official acts.

Approved December 11, 1813.

WHEREAS by the burning of the capitol, the state seal and the seal of the secretary's office have been destroyed:

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for the governor of this commonwealth to affix his private seal, instead of the state seal, to all commissions and other official acts, until a state seal be provided.*

Sec. 2. *Be it further enacted, That it shall be lawful for the secretary of state to use his private seal, instead of the seal of his office, until a seal of office be provided.*

Sec. 3. *And be it further enacted, That all the faith and credit shall be due and paid to the private seal of the governor, and of the secretary of state, respectively used under the provisions of this act, that is due to the state seal, and the seal of the secretary's office.*

XXII. YEAR OF THE COMMONWEALTH.

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CHAPTER XCIV.

An ACT for the benefit of James Keith.

1813.

Approved December 24, 1813.

The act authorised the registering and patenting a survey made in July 1812, for 90 acres of land in Muhlenberg county.

CHAPTER XCV.

An ACT for the benefit of the heirs of John Penrod, dec'd.

Approved December 24, 1813.

He had died on Hopkins' campaign: This act released to his family the balance of the state price for 200 acres of land on which they lived.

CHAPTER XCVI.

An ACT authorising certain Advertisements to be inserted in the Newspapers entitled "The Light House," and "The Sovereign People."

Approved December 24, 1813.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That orders of court, advertisements and notices, may be published in the newspaper entitled "The Light House," printed in the town of Danville, and in the newspaper called "The Sovereign People," printed at Russellville; and that the editors shall and may receive the fees established by law for such services as they may perform under this act; and that such publication shall be as valid between the parties as if the same had been published in any other authorised paper of this commonwealth: *Provided*, that nothing in this act shall authorise the insertion of any order or advertisement required to be printed in the paper of the public printer of this commonwealth.

CHAPTER XCVII.

An ACT to provide for the payment of this State's quota of the Direct Tax.

Approved December 24, 1813.

Had its effect.

DECEMBER SESSION,

CHAPTER XCVIII.

An ACT for the relief of Benjamin Sawyer.

Approved December 29, 1813.

The act authorised his obtaining a patent for 200 acres of land, as assignee of Lewis Collins. He had paid for the land, but the power of attorney authorising a conveyance, had been lost.

CHAPTER XCIX.

An ACT to repeal the law establishing an Election Precinct in Wayne County.

Approved December 29, 1813.

The act referred to is Chapter 53 of this Volume, page 35.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That all that part of the act approved January the 28th. 1813, erecting an election precinct in the county of Wayne, be, and the same is hereby repealed.

CHAPTER C.

An ACT for the benefit of Peter Bellis.

Approved December 29, 1813.

He had built a bridge across Dix river, near his ferry : This act authorised him to charge the same fees for persons crossing his bridge, as he was entitled to by law at his ferry.

CHAPTER CI.

An ACT for the benefit of William Frazer.

Approved December 29, 1813.

The act authorised a patent to issue to him for 3000 acres of land in Knox county, surveyed in October 1795.

CHAPTER CII.

An ACT to add a part of Logan County to the County of Butler.

Approved December 29, 1813.

WHEREAS it is represented to the general assembly, that part of Logan county, intended to have been

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added to Butler, at the time of the formation of said county, was left out by mistake in description :

1813.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That all that part of Logan county, in the following bounds, to wit : Beginning at the mouth of Muddy river, on Green river ; thence up Green river to where the Butler county line crosses said river ; thence with said Butler county line to the beginning, be added to the county of Butler.

CHAPTER CIII.

An ACT for the relief of Thomas Heighsmith and James Newell.*

Approved December 29, 1813.

The act authorised the register to correct some irregularities respecting their settlement rights.

CHAPTER CIV.

An ACT to legalise the proceedings of the County Courts of Logan, Clarke, Hardin and Livingston.

Approved December 31, 1813.

The counties of Logan, Clarke and Hardin had erected their jails off their respective public squares ; the county court of Livingston had acted irregularly in laying their last levy. These were the proceedings legalised.

CHAPTER CV.

An ACT authorising the County Court of Boone to sell a part of their Public Ground.

Approved December 31, 1813.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That the justices of the peace in the county of Boone, or a majority thereof, are fully authorised to exchange that part of the public square in the town of Wilmington, laying on the west side of the street running north and south through said town, for lots No. 11, 12, 13 and 14, with the proprietors thereof ; and the said justices, or a majority as aforesaid, shall

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1813.

have power to make and receive conveyances for the ground and lots aforesaid ; and may sell the said four lots No. 11, 12, 13 and 14, for the best price that can be had, at some future and convenient time, when they shall judge it best for the public interest, for the benefit of said county, to be applied toward erecting their public buildings, and convey the same to the purchaser or purchasers thereof.

CHAPTER CVI.

An ACT authorising the County Courts of Logan and Jessamine to add an additional quantity of Land to the Towns of Russellville and Nicholasville respectively.

Approved December 31, 1813.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That the county courts of Logan and Jessamine counties, upon the application of any person or persons, proprietors of the adjacent lands, agreeably to the existing laws of this commonwealth, may add any quantity of land to the town of Russellville, at their discretion, not exceeding five hundred acres ; and the county court of Jessamine may add any number of acres to the town of Nicholasville, not exceeding forty, any law to the contrary notwithstanding.

CHAPTER CVII.

An ACT to establish an Academy in the Town of Henderson, in Henderson County.

Approved December 31, 1813.

SEC. 1. BE it enacted by the General Assembly of the Commonwealth of Kentucky, That an academy be established in the town of Henderson, in Henderson county, at such place in said town as shall be fixed on by the trustees hereinafter named, and be known by the name of "The Henderson Academy."

SEC. 2. Be it further enacted, That Adam Rankin, Joseph Fuquay, Daniel M'Bride, William R. Bowen, James Dillyer, Richard Henderson and Wyatt H. Ingram, shall be, and are hereby constituted a body poli-

tic and corporate, to be known by the name of the "Trustees of the Henderson Academy;" and by that name shall have perpetual succession, and a common seal, with power to change or alter the same at pleasure. And as a body corporate, shall be authorised to exercise all the powers and privileges that are now enjoyed by the trustees of any academy or seminary of learning in this state; and on the death, resignation or other disqualification of any of the trustees aforesaid, or their successors, a majority of the remaining trustees shall fill such vacancy; and the person or persons so appointed, shall be vested with the same power and authority as if specially named in this act. And by the name and style of the Trustees of the Henderson Academy, may sue and be sued, implead and be impleaded, in any court of law or equity.

1813.

Their powers

Sec. 3. *Be it further enacted*, That the said trustees and their successors, shall have power, in their corporate capacity, to purchase, or receive by donation, any lands, tenements, hereditaments, monies, rents, goods and chattels, and to hold the same by the name aforesaid, to them and their successors forever, for the use and benefit of said academy; and to sell, alien or transfer any such lands, tenements, hereditaments, goods and chattels, and apply the proceeds to the use and benefit thereof; also to dispose of all the lands heretofore or hereafter appropriated for the benefit of seminaries in said county, according to existing laws.

Further powers.

Sec. 4. *Be it further enacted*, That the person first named herein, or in his absence, neglect or refusal to act, the next, shall give notice of the time and place for the first meeting of the trustees; and on the attendance of a majority thereof, they shall appoint a chairman and clerk out of their body, and shall severally take an oath, to be administered by some justice of the peace, well and truly to exercise the duties of their office. And thereafter the board may be called by the chairman, or any two of the trustees. And the said trustees shall have power to adjourn from day to day, to make and ordain such by-laws, rules and ordinances for the regulation of said academy, as they may deem proper, not inconsistent with the laws of this commonwealth: *Provided*, that a majority of all the trustees shall attend on the making any contract or by-law for the same.

Their duty. &c.

DECEMBER SESSION,

1813. *Sec. 5. And be it further enacted, That a majority of*
said trustees shall have power to engage and employ a
competent number of tutors and professors to the said
academy; to fix their salaries, and the salary of their
clerk, as also the terms of their tuition; and on the
misconduct of any tutor, professor, or student, may dis-
miss or expel such tutor, professor or student from the
said academy.

Power to fix
salaries, and
expel any tu-
tor or student

CHAPTER CVIII.

An ACT for the benefit of John White.

Approved December 31, 1813.

He was entitled to *3l. 2s. 5d.* for his services as a private in Lo-
gan's campaign, but had lost the certificate. This act directed the
payment of the sum with interest.

CHAPTER CIX.

An ACT for the relief of William Carter.

Approved January 6, 1814.

The act required the register to issue a patent to him for a small
tract of land lying in Wayne county, on his returning, with a relin-
quishment thereon, a patent already issued.

CHAPTER CX.

An ACT providing for the transmission of certain muster
rolls to the United States' paymaster in this district,
and the department of war of the United States.

Approved January 6, 1814.

Had its effect.

CHAPTER CXI.

An ACT to change the venue for the trials of William Ad-
ams and Martin Hardin.

Approved January 8, 1814.

Adams was indicted for larceny, in Shelby, and Hardin for shoot-
ing with intention to kill, in the Hardin circuit court. This act
authorised a change of venue in Adams' case to Mercer, and in
Hardin's case to Nelson.

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CHAPTER CXII.

1813.

An ACT to amend an act establishing an Academy in Gallatin county.

Approved January 8, 1814.

The act referred to is Chapter 25 of this Volume, page 13.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That the trustees of the said academy, or a majority of them, shall be, and they are hereby vested with full power, to sell and convey the whole, or any part of the lands granted to the said academy, not heretofore sold by them, and apply the money arising therefrom, in any way they may think most profitable to said academy ; any law to the contrary notwithstanding.

CHAPTER CXIII.

An ACT authorising William Littell to have access to the enrolled bills in the office of the Secretary of State, and for other purposes.

Approved January 8, 1814.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky, That William Littell shall have access to all the enrolled bills in the office of the secretary of state, at such times as will comport with the convenience of the secretary ; and likewise to associate with him a clerk, to be employed and paid by the said Littell, and approved of by the said secretary, for the purpose of collating therewith such parts of his edition of the statute law of Kentucky, as have not already been compared with said enrolled bills.*

Sec. 2. *And be it further enacted, That as soon as the said collation shall have been completed, and so certified by the said Littell, that the edition of the statute law compiled by said Littell, including the fourth volume lately printed, shall be received in all courts in this commonwealth, as equal in authority to any printed copies of said laws, heretofore in use in this commonwealth.*

1813.

CHAPTER CXIV.

An ACT for the benefit of the heirs of Richard Jones Waters.

Approved January 8, 1814.

The act authorised the appointment of a guardian, invested with powers to sell and convey the lands of some absent infant heirs.

CHAPTER CXV.

An ACT to change the February term of the Harrison circuit court.

Approved January 8, 1814.

The act changed the February term to the second Monday in March.

CHAPTER CXVI.

An ACT allowing an additional number of Justices of the Peace to sundry counties in this commonwealth.

Approved January 8, 1814.

Additional
justices allow
ed.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That the counties hereinafter named, shall be entitled to the following number of justices of the peace, in addition to the number heretofore allowed by law : The county of Washington, three ; the county of Mercer, four ; the county of Lewis, one ; the county of Christian, three ; the county of Gallatin, one ; the county of Scott, two ; the county of Jefferson, one, who shall reside in Middletown ; the county of Knox, two ; the county of Greenup, one ; the county of Logan, one.

CHAPTER CXVII.

An ACT to establish an Academy in Boone County.

Approved January 8, 1814.

Trustees ap-
pointed.

SEC. 1. BE it enacted by the General Assembly of the Commonwealth of Kentucky, That Absalom Graves, Moses Scott, John Flournoy, Jacob Rouse, Jeremiah Kirtley, John Brown and Mr. Bossen, gentlemen, are

XXII. YEAR OF THE COMMONWEALTH.

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hereby constituted a body politic and corporate, to be known by the name of "The Trustees of the Boone Academy;" and by that name shall have perpetual succession, and a common seal, with power to change or alter the same at pleasure; and as a body corporate, shall be authorised to exercise all the powers and privileges, that are now enjoyed by the trustees of any academy or seminary of learning in this state. And on the death, resignation, or disqualification of any of the trustees aforesaid, or their successors, a majority of the remaining trustees shall fill such vacancy; and the person so appointed, after taking the oath prescribed by this act, shall be vested with the same power and authority as if specially named in this act. And by the name and style of the trustees of the Boone academy, may sue and implead, or be sued and impleaded, in any court in law or equity, or any tribunal having cognizance of the same.

1813.

Their powers
and privileg-
es.

Sec. 2. The said trustees, and their successors, shall have power, in their corporate capacity, to purchase or receive by donation, any species of property whatever; and to hold the same, by the name aforesaid, to them and their successors forever, for the use of said academy; and to sell, alien, or transfer, any such property, and apply the proceeds to the use and benefit thereof. Also to sell and dispose, when they shall think proper, all the lands granted by the existing laws of this state for the benefit of seminaries, or which may be hereafter granted, to which Boone county may be entitled.

Sec. 3. The person first named herein, and in case of any defect, the next, &c. shall notice the time and place for the first meeting of the trustees; and on the attendance of a majority thereof, they shall appoint a president, clerk and treasurer, out of their own body; who shall severally take an oath (to be administered by some justice of the peace) well and truly to execute the duties and trust reposed to their office; and thereafter a board may be called by the president, or any two of the trustees. The said trustees shall have power to adjourn from day to day, to make such laws, rules and regulations, as they shall deem proper and useful for the government of said academy, (not contrary to the laws of this commonwealth) and to fix on a proper place to

Further pow-
ers and their
duty.

1813.

erect a building for said academy ; but it shall be necessary that a majority of all the trustees be present, at the making of any contract, fixing the permanent seat for the academy, and in making laws to rule and regulate the same.

Sec. 4. A majority of said trustees shall have power to engage and employ tutors and professors to the said academy, necessary for all its purposes ; to fix their salaries, and regulate all necessary expenditures ; also the terms of tuition. And on the misconduct of any tutor, professor or student, may dismiss or expel such tutor, professor or student, from said academy.

CHAPTER CXVIII.

An ACT to amend an act concerning the estate of John South, deceased.

Approved January 13, 1814.

This act authorised additional sales to be made for the discharge of other debts.

CHAPTER CXIX.

An ACT to amend an act more effectually to suppress the practice of duelling, approved 4th February, 1812.

Approved January 13, 1814.

Preamble.

WHEREAS it is deemed probable that some of the citizens of this commonwealth may have been guilty of unintentional violations of some of the provisions of the act approved on the 4th day of February, 1812, entitled "an act more effectually to suppress the practice of duelling," before the general promulgation thereof had diffused the due degree of information of the existence and substantial provisions of the said act : Wherefore,

Citizens absent at the passage of a former act, permitted to take an oath.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall and may be lawful, for any person or persons, citizens of this commonwealth, who have given or received a challenge, or have been the bearer of any challenge, or otherwise engaged, either as principal or second, in any duel, at any

time between the first day of April and the first day of August, in the year 1812, to make oath before some person duly qualified to administer the same, "That the affiant, at the time when he was engaged, either as principal in sending or accepting such challenge, or as a second in hearing the same, was uninformed of the existence and provisions of the said act; and that he did not know or believe, that he would be thereby disqualified from holding an office under this commonwealth." A certificate of which oath being produced by such affiant, when about to take the oath of office, upon being qualified to any commission, office or appointment, under this commonwealth, shall be a sufficient authority to the person administering the oaths of office to such person, to administer the oath required by the above recited act, by substituting therein "*the first day of August,*" for "*the first day of April, 1812:*" Any former law to the contrary notwithstanding.

1813.

Form of the oath.

A Upon taking which oath, may receive any appointment under this state.

CHAPTER CXX.

An ACT to establish election precincts in the counties of Clay and Christian.

Approved January 13, 1814.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky.* That all that part of Clay county included in the following bounds: Beginning at the mouth of Lott's creek, on the county line, and with the said county line to the head waters of the middle fork of the Kentucky river; thence down said middle fork to the mouth of Cutshin creek; thence up said creek to the dividing ridge, which divides the north and middle fork of the Kentucky river; thence down Big creek to the said North fork; thence up said fork to the beginning; shall be, and the same is hereby erected into an election precinct, in the said county of Clay; and that the qualified voters in said precinct do meet at the house of William Cornetts in said precinct, for the purpose of voting, in all legal elections.

Boundary of Clay election precinct in Clay.

SEC. 2. *Be it further enacted.* That the county court of Clay, at the time they appoint a clerk and judges of election to be held at their court house, shall also ap-

County court to appoint judges and

1813. point a clerk and judges to preside at the election to be held in the precinct in said county; and it shall be the duty of the sheriff of said county, to attend by himself or deputy, and conduct the election to be held in the said precinct; which election shall be governed by the same rules and regulations as are now prescribed by law.

Sec. 3. *Be it further enacted*, That the sheriff who presides at the election to be held in said precinct, shall meet the sheriff who presides at the election held at the court-house of said county, on the fourth day after the commencement of said election, at the court-house in said county, and compare the polls; and make return agreeable to the laws and constitution of this state.

Sec. 4. *Be it further enacted*, That all that part of Christian county included in the following bounds: Beginning on main Tradewater, at the Caldwell county line; thence up the said creek to the mouth of the Sand Lick fork; thence up said fork opposite to William Robbitt's; thence to William Johnson's, sen.; thence to Benjamin Lad's; thence to James Cannon's, on the Muddy fork; thence west, to the line between Christian and Caldwell counties, and with said line to the beginning; is hereby erected into an election precinct in said county of Christian. And the election shall be held in said precinct at the house of Jacob Colley; and the sheriff and deputy sheriff shall meet at the court-house of said county, on the Saturday succeeding the annual election for this commonwealth, and compare and certify the polls according to the laws and constitution of this state.

CHAPTER CXXI.

An ACT to establish an Academy in the County of Union.

Approved January 19, 1814.

Sec. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That an academy be established in the county of Union, to be known by the name of "The Union Academy." And that Robert Gilchrist, Jonathan Taylor, James Gray, James Townsend, Hugh W. Robb and Joseph Reives, gentlemen,

are hereby constituted a body politic and corporate, to be known by the name of the "Trustees of the Union Academy;" and by that name shall have perpetual succession, and a common seal, with power to change or alter the same at pleasure. And as a body corporate, shall be authorised to exercise all the powers and privileges now enjoyed by the trustees of any academy or seminary of learning in this state; and on the death, resignation, or other disqualification of any of the trustees aforesaid, or their successors, a majority of the remaining trustees shall fill such vacancy; and the persons so appointed, shall be vested with the same power and authority, as if specially named by this act. And by the name and style of the trustees of the Union Academy, may sue, and be sued, implead, and be impleaded, in any court of law or equity having cognizance of the same.

1813.

Their corporate powers and privileges.

Sec. 2. *And be it further enacted*, That the said trustees and their successors, shall have power and authority, in their corporate capacity, to purchase or receive by donation, any real or personal property, and to hold the same by the name aforesaid, to them and their successors forever, for the use of said academy; and to sell, alien or transfer any such real or personal property, and to apply the proceeds to the use and benefit thereof; also to dispose of all the lands heretofore or hereafter appropriated for the benefit of seminaries in said county, according to existing laws.

Powers of trustees.

Sec. 3. *Be it further enacted*, That the first person named as trustee herein, or in his absence, or refusal to act, the next, shall notify the time and place for the first meeting of the trustees; and on the attendance of a majority thereof, they shall appoint a chairman and clerk; and shall severally take an oath, to be administered by some justice of the peace, well and truly to execute the duties of their respective offices. And thereafter, the board may be called by the chairman, or any two of the trustees. And the said trustees shall have power to adjourn from day to day, to make and ordain such by-laws, rules and ordinances, as they may deem proper, not inconsistent with the laws of this commonwealth. And they shall moreover have power to fix on a proper place for erecting the building for the said academy: *Provided*, that a majority of all the trustees

And their duty.

Further powers.

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1813.

shall be necessary to attend, on the making any contract, or by-law, or fixing on the permanent seat for the same.

Sec. 4. A majority of said trustees shall have power to engage and employ a competent number of professors and tutors to the said academy; to fix their salaries, and the salary of their clerk, as also the terms of tuition; and on the misconduct of any tutor, professor, or student, they shall possess the power to dismiss or expel such tutor, professor or student, from said academy.

CHAPTER CXXII.

An ACT for the relief of the Sheriffs of Boone, Clay, Mercer, Pendleton and Montgomery.

Approved January 19, 1814.

The relief given was allowing them credit for delinquent lists and time to pay the balance of the taxes.

CHAPTER CXXIII.

An ACT authorising the County Court of Nicholas to alter the Public Ground, and sell a part thereof, with the Court-House.

Approved January 19, 1814.

WHEREAS it is represented to the present general assembly, that the public ground for the seat of justice in Nicholas county, has, through mistake, been laid off improperly: Therefore,

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the county court of said county are hereby authorised to correct the mistake, so as to run the front line parallel with the main street, and back at right angles, so as to include the same quantity now included. And they are moreover authorised to re-convey to James Ellis, such part of the ground as may be left out by the above alteration, and receive from him the proper title for the ground included, when laid off as above stated.

County court
to alter the
public ground
& re-convey
the part left
out to the
former pro-
prietors.

Authorised to
sell and con-

Sec. 2. *And be it further enacted,* That the justices of the peace for said county (a majority of them concur-

ring) may, when they shall deem it necessary, sell and convey to the highest bidder, on such credit as they may think proper, the court-house, and any part of the public ground not exceeding one acre, laid off in such lots as they may think most advantageous; and the money arising therefrom shall be applied to the lessening the county levy, or building a new court-house.

1813.

vey a part thereof with the court-house. Money, how applied.

CHAPTER CXXIV.

An ACT for the relief of the Securities and Representatives of John M. Scott, deceased.

Approved January 19, 1814.

He had been sheriff of Franklin county, and both he and his principal deputy had died before much progress had been made in the collection of the revenue. This act remitted the damages, and gave nine months to pay up the principal in.

CHAPTER CXXV.

An ACT to legalise the proceedings of the Trustees of the Town of Carthage.

Approved January 19, 1814.

WHEREAS it has been represented to the present general assembly, that some doubts have arisen respecting the legality of the sale of lots in the town of Carthage, now in Union county, owing to an omission of the clerk of Henderson county court to enter the names of the trustees on record, when the said town was established: For remedy whereof,

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the sale of the lots made in the town of Carthage, by and under the direction of Benjamin Fry, James Houston, James Bowles, Uriah Blue and William Quigley, or a majority of them, as trustees to said town, shall be, and the same is hereby declared as good and valid, to all intents and purposes, as if the appointment of said trustees had have been entered on record at the time the said town was established.

Sale of lots confirmed.

Sec. 2. *And be it further enacted,* That the certificates of sale, given by said Fry, Houston, Bowles, Blue and

What deemed evidence of such sale.

1813.
 Trustees to
 make deeds
 for said lots.

Quigley, (or a majority of them) as trustees, shall be good and valid, as evidence of the purchase and sale of said lots; and the trustees aforesaid, or their successors, shall proceed to make deeds to the purchasers of said lots, under the same rules and regulations as if the appointment of said trustees had have been entered on record.

CHAPTER CXXVI.

An ACT authorising certain Advertisements to be published in the Newspapers entitled "The Union," and "Patriot."

Approved January 19, 1814.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That orders of court, advertisements and notices may be published in the newspapers entitled "The Union," printed in the Town of Washington, in Mason county, and in "The Patriot," printed in the town of Glasgow, in Earren county; and that the editors of said papers shall receive the fees established by law for such services as they may perform under this act; and such publication shall be as valid between the parties, as if the same had been made in any other authorised paper of this commonwealth.

CHAPTER CXXVII.

An ACT to amend an act entitled "an act for the regulation of certain Towns within this Commonwealth."

Approved January 19, 1814.

WHEREAS it is represented to the present general assembly, that the tax which the board of trustees for the town of Henderson, in Henderson county, is authorised to levy and collect by an act entitled "an act for the regulation of certain towns in this commonwealth," approved the 6th of January 1812, is inadequate to the purposes for which it was intended: For remedy whereof,

Trustees of
 Henderson

Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the board of trustees

for the said town of Henderson, shall hereafter have power and authority to raise by taxation, in the manner and form prescribed in the before recited act, in each year, any sum, in their discretion, not exceeding two hundred and fifty dollars, in lieu of the sixty dollars authorized to be levied and collected by the before recited act.

1813.

authorised to levy and collect an additional tax.

Sec. 2. *Be it further enacted*, That it shall and may be lawful for the trustees of the town of Washington, in Mason county, to lay and collect an additional tax, in the manner heretofore prescribed by law, of two hundred dollars, for the purpose of keeping in repair the streets and alleys of said town, any law to the contrary notwithstanding.

And the trustees of Washington, Mason county.

CHAPTER CXXVIII.

An ACT further to regulate the payment of the debt due the Commonwealth for the sale of vacant Land.

Approved January 21, 1814.

The act referred to in the second section, is Chap. 63, page 42, of this Volume; the act first mentioned in the 6th section, will be found in Vol. IV, page 333; the act last mentioned in that section, in Vol. III, page 385.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That any person claiming land under any law of this commonwealth for the sale of vacant land, (who resides therein) may, upon the conditions prescribed in this act, obtain and receive indulgence for the payment of the state price due on any number of acres not exceeding four hundred.

Indulgence granted to persons on certain conditions.

Sec. 2. *Be it further enacted*, That any justice of the peace for any county within this commonwealth, upon application, and satisfactory proof being made by the oaths of one or more credible witnesses, to be examined before him, that the applicant was actually and in good faith a settler at the time of the passage of this act, within the county wherein said land lies, or in the county wherein said certificate was originally granted, or such other county as may have since been stricken off from such county; and by his own oath, that he was the owner of said land at the passage of this act, and that he has not previously obtained a certificate from any other

Owners of land to obtain certificates of actual settlement.

In what manner to be obtained.

1813. justice, under the provisions of this act, or the act passed the first of February 1813, entitled "an act further to regulate the payment of the debt due the commonwealth for the sale of vacant land;" which oath shall be stated in said certificate, and returned to and filed in the auditor's office; such justice shall, without fee, give to such applicant a certificate that he was actually and in good faith a settler at the time of the passage of this act, within the county wherein the said land now lies, or was originally granted, or such other county as may have since been stricken off from it. Which certificate shall also contain a description of the lands for which said indulgence is to be granted, by shewing the number and date of certificate or certificates, and the name or names of the person or persons to whom the same was originally granted.

Certificate to be returned to the auditor's office.

What necessary in certificate.

Auditor's duty.

Proviso.

Interest returned in certain cases.

When indulgence is obtained & payment neglected, land reverts to the state.

Sec. 3. Where a certificate, as before described, shall be furnished the auditor, on or before the second Monday in October next, he shall file the same, and make a note thereof in the margin, opposite the claim certified; and the land so described, shall not be sold by the register, as in other cases: *Provided*, that it shall not be necessary for any person who may have filed a certificate with the auditor, under the provisions of an act passed the first day of February 1813, to file a certificate of settlement under the provisions of this act.

Sec. 4. *Be it further enacted*, That every person who may obtain a certificate under the provisions of this act, and every person who obtained a certificate in pursuance of an act entitled "an act further to regulate the payment of the debt due the commonwealth for the sale of vacant land," approved February 1st, 1813, who shall pay into the public treasury, by the first day of January 1815, the whole amount of the state price, or the balance, in case of partial payment, shall be entitled to a discount of all the interest due and to become due thereon.

Sec. 5. *Be it enacted*, If any person who may obtain indulgence under the provisions of this act, shall fail to pay into the public treasury, within twelve months from its passage, any instalment which may be due on said land, the land shall not be sold to the highest bidder, as in other cases, but shall be forfeited and revert to the commonwealth; subject, however, to the future disposition of the legislature.

Sec. 6. The sales of lands directed to be made by the register of the land-office, under the act of assembly approved January 27th, 1812, entitled "an act further to regulate the payment of the debt due the commonwealth for the sale of vacant land," shall be, and the same are hereby suspended until the first Monday in November next; and the auditor and register shall respectively proceed to perform the duties required under the provisions of an act entitled "an act providing for the payment of the debt due this commonwealth," approved December 26, 1806; and the register shall commence the sales on the second Monday in November next, and in all things be governed by the provisions of the before recited act: *Provided, however,* that it shall be lawful for any persons having land sold under the provisions of this act, to redeem the same (at any time within eleven months from the date of the sale) by paying into the public treasury the amount for which the same was sold, together with twenty-five per centum thereon, and all costs of sale; and in case the land redeemed be sold to any individual or individuals, they shall be entitled, upon application, to a warrant for the original purchase money, and the twenty-five per cent. thereon, and no more.

1813.

Sales of land
suspended
till Novem-
ber next.

Auditor and
register's du-
ty.

Proviso.

Sec. 7. *Be it further enacted,* That any person whose lands sold lands may have been stricken off to the commonwealth, for first instalment may be redeemed from the passage of this act to redeem the same, by paying into the public treasury the amount of the instalment for which it was sold, together with an interest of ten per cent. per annum thereon, and such other instalments as may be due thereon, together with the costs of sale.

for first in-
stalment may
be redeemed
in 12 months
on certain
conditions.

Sec. 8. *Be it further enacted,* That any person who shall, within ten months from the passage of this act, pay into the public treasury of this state the whole amount of state price, or the balance, in case of a partial payment already made, be entitled to a discount of one half the interest due or to become due thereon. And any person who shall pay into the public treasury the whole amount of the state price, or balance, in case of a partial payment, within four months from the passage of this act, shall be entitled to a discount of all the interest due and to become due thereon.

If state price
is paid within
10 months,
half the inter-
est to be dis-
counted.

If paid in four
months, all
the interest
to be dis-
counted.

1813.

Land sold
may be re-
deemed.

In what time,
& conditions.

Proviso.

Proviso.

Indulgence
not extended
to purchasers
at the regis-
ter's sales.

Exception.

None but an
actual settler
can redeem
forfeited land
so as to give
title, when in-
terfering with
an actual set-
tler.

Sec. 9. *Be it further enacted*, That any person whose lands shall be sold under the provisions of this act, may, within twelve months after such sale, redeem any quantity thereof not exceeding four hundred acres, upon producing to the auditor such certificate as is described in the second section, and paying into the treasury the amount for which such land was sold, together with an interest thereon at the rate of ten per cent. per annum, to be repaid to the individual purchaser, if one, upon application: *Provided also*, that any person redeeming under the provisions of this act, who shall at the time of such redemption pay into the public treasury the whole amount of the state price, or the balance, in case of a partial payment already made, shall be entitled to a discount of all the interest due or to become due, the ten per cent. or redemption only excepted: *Provided also*, that the oaths required to be made by claimants themselves, may, in the case of *femes covert*, be made by the husband; and in cases of infants and persons of insane mind, by their guardian, committee or friend; in all which cases the party making oath shall expressly swear to the situation of the persons in whose behalf he makes oath, and that he is acting for them in good faith.

Sec. 10. *And be it further enacted*, That no purchaser at the sales heretofore made, or by this act directed, shall be entitled to the indulgence directed to be given by the first section of this act, nor shall any certificate of settlement or residence ever be received by the auditor in favor of any such purchaser, except those persons who may have purchased their own claims at the register's sales in November last.

Sec. 11. *Be it further enacted*, That no person or persons other than an actual settler, shall be authorised to redeem land which has been forfeited to the commonwealth for a failure to redeem the same within the time authorised by law, so as to give him, her or them any right, title or claim to the same, when it shall interfere or conflict with the survey of a person actually settled on the land, or seminary claim, or any other claim entered, surveyed or patented; and should a grant issue, it shall be void, so far as it does so interfere.

CHAPTER CXXIX.

1813.

An ACT to amend the act to reduce into one the several acts or parts of acts concerning Sheriffs.

Approved January 21, 1814.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That whensoever the office of sheriff, in any county in this state, shall become vacant, by reason of the death, resignation, removal from office or change of residence of the sheriff, and the governor shall issue a commission for a new sheriff, as directed by the constitution of this state, the sheriff so commissioned shall, upon the receipt of his commission, summon the justices of the county court of said county, or a majority of them, to meet at the court-house thereof, on a day by him appointed, not more than ten days after the receipt of the commission as aforesaid; and the justices so convened, being a majority of those commissioned in and belonging to the said county, shall in the usual mode constitute a court, and when so constituted said court shall possess all the power and authority, not only with regard to administering the oaths of office to, and taking bond with security from said newly appointed sheriff, but to all other intents and purposes, which said court shall possess at its ordinary terms as now directed by law: *Provided, however,* that nothing herein contained shall be so construed as to restrict said county court from holding their ordinary terms at their stated periods as heretofore.

Vacancies,
how filled.

The powers
of the county
courts.

Proviso.

SEC. 2. *Be it further enacted,* That where any land shall have been, or shall hereafter be sold by any sheriff by virtue of his office, and a new county shall have been, or shall hereafter be formed, including the land so sold, it shall nevertheless be the duty of the sheriff effecting such sale, or his successor, to convey the same to the purchaser according to law, which shall be effectual to vest the title held by the former owner in such purchaser.

Land sold by
sheriff and a
new county
is formed, the
sheriff mak-
ing sale to
convey.

SEC. 3. *Be it further enacted,* That when any sale may be made by a sheriff, or other officer, of any land, the title to which may not be perfected by patent from the commonwealth, but held only by certificate from the commissioners, or from any county or circuit court in this commonwealth, or by entry or survey, by virtue of

Equitable ti-
tles to land
may be sold
and transfer-
red to pur-
chaser by the
sheriff.

1813.

Transferee
may procure
a patent, and
how.

any execution to him directed, founded upon a judgment or decree of any court of record, it shall be lawful for such officer to make a transfer of the certificate or entry; and if surveyed, the survey also, to the purchaser at said sale; which assignment so made shall vest the title of said land (so far as the defendant in the execution had any right thereto) in the purchaser.

Sec. 4. *Be it further enacted*, That when said purchaser shall produce to the register of the land-office such assignment of the sheriff upon the original certificate, or certificate and survey, as the case may be, or upon a certified copy of the same, in case the original be filed in said office, and also the auditor's quietus for the state price of said land, should any be due thereon, it shall and may be lawful for the register to issue a patent to said purchaser as in other cases.

Sheriffs barred
from distress after 2
years.

Sec. 5. *Be it further enacted*, That where any sheriff or county collector shall suffer his claim for fees to remain uncollected for two years after the services have been performed, or shall suffer the arrearages of taxes or county levies to remain uncollected for the same period, he shall be barred from the collection of such fees, taxes or county levies by distress, unless the person against whom he has the demand, shall have prevented the collection thereof by removal from the county or concealment of his property: *Provided*, that such officer may, at any time within three years after the said services may be rendered, or the arrearages may have become due, to collect the same by warrant or suit, as other debts are now collected.

Proviso.

CHAPTER CXXX.

An ACT to amend an act entitled "an act to amend and reduce into one the several acts or parts of acts concerning limitations of actions, and for other purposes."

Approved January 22, 1814.

The act referred to will be found in Vol. I, page 330.

Preamble.

WHEREAS by the laws of this commonwealth, and the highest judicial exposition of them, a writ of right cannot be maintained but upon the actual possession or seizin of the plaintiff or his ancestor; nor can an eject-

ment be maintained against an adverse possession of twenty years; which doctrines of the law, connected with the nature of the settlements of the lands of this state, and the length of the possession thereof by its inhabitants, tend very happily to diminish the quantity of litigation connected with the titles thereto, and to secure the repose of the meritorious occupant thereof: Still farther to promote an object so desirable, 1813.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That so much of the act entitled "an act to reduce into one the several acts or parts of acts concerning limitations of actions," as gives to persons who have been, or hereafter shall be out of this commonwealth, when their cause or causes of actions, real or mixed, accrued, ten years after they have become citizens thereof, to maintain their actions, real or mixed, be, and the same is hereby repealed. And it is hereby enacted, that persons whose cause or causes of action, real or mixed, accrued while they have been, or hereafter shall be out of this commonwealth, shall, by the courts of this commonwealth, in every description of action relating to the title or possession of land, be considered in the same light, and no other or better than the citizens of this commonwealth are entitled to be considered in similar actions. Parts of certain acts repealed.

Sec. 2. *And be it further enacted,* That *femes covert*, upon whom lands shall have descended, or to whom lands shall have been devised by will, during their coverture, (and in no other case) shall be allowed the space of three years only, after they become discover, to commence their actions, real or mixed, for any such lands of this commonwealth, instead of the ten years allowed by the third section of the aforesaid act. And that instead of the ten years allowed by the aforesaid third section to infants, persons *non compos mentis*, and persons imprisoned, to commence their actions, real or mixed, they shall be allowed, respectively, three years only, and no more, after the removal of their respective disabilities. Femes covert infants & persons of non-sane memory allowed three years only, after the removal of their respective disabilities, to commence actions, real or mixed.

And to prevent the wisdom and good policy of the aforesaid laws and their exposition from being eluded by the litigious, subtle and unprincipled,

Sec. 3. *Be it further enacted by the authority aforesaid,* That any conveyance of land, made by a citizen or citi- Conveyances &c. to evade

1813. the provisions of this act, void, except as to the transferee & his heirs; in whom the conveyance vests a fee simple title.

Commencing clause.

zens of this commonwealth, to a citizen or citizens of the states or territories, without a valuable and *bona fide* consideration, and for the purpose, or with the view of bringing the title of said land into judicial decision, before any of the courts of the United States, and thereby harassing the occupants thereof, shall be, and the same conveyance is hereby declared inoperative, except as to the transferee and his heirs; in whom the said conveyance shall vest an irreclaimable fee simple title to the said land; which, notwithstanding any release or reconveyance by the transferee during his life, may be asserted by the heir or heirs of such transferee, after his death, in any of the courts of this commonwealth, and shall be good and valid against the person so conveying, and his heir or heirs, and all claiming from, through or under them, in any way whatever; any act or acts to the contrary notwithstanding. But the claim of the transferee, or his heirs, shall not hereby be strengthened against the occupant. *Provided*, the first section of this act shall not take effect until the expiration of six months after the passage thereof.

CHAPTER CXXXI.

An ACT to authorise joint claimants of unpatented lands to obtain patents under certain regulations.

Approved January 26, 1814.

Joint claimants to notify of intention to survey, where no survey has been made.

Surveyor, how to be governed.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That when there are two or more persons who are owners of parts of the same tract of land in this commonwealth, it shall be lawful for any of said owners, where there has been no survey made of said tract, upon giving reasonable notice in writing to the other owner or owners, to have a survey made by the surveyor of the county, of his, her or their part or parts; the surveyor, in executing the same, having due regard to the quality, and other local advantages, as well of the land included by him in such survey, as of the residue of the land embraced within the certificate or entry in virtue of which such survey is made, as well as to any previous survey or partition which may have been made by consent of all the joint

owners thereof; and to return the same with the original certificate upon which it is made, or any attested copy thereof, to the register of the land-office; whose duty it shall be to register the same, and issue a patent thereon, as in other cases.

Sec. 2. *Be it further enacted*, That if a survey has been made of the whole tract, and either of the owners shall be desirous to obtain a patent for his, her or their part, it shall be lawful for him, her or them, upon giving reasonable notice to the other owner or owners, to go upon the land with the county surveyor, and have a fair survey made of his, her or their part; the surveyor, in executing the same, having due regard to quality and other local advantages as aforesaid, as well as to any previous survey or partition which may have been made by the joint owners of such claim as aforesaid, except where division line or lines may have been agreed on between the parties; in such cases the surveyor or his deputy shall be governed by said line or lines. And upon returning the plat of said survey, and certificate on which it is made, or an attested copy thereof, to the register of the land-office, it shall be the duty of the register to issue a patent thereon as in other cases; which surveys may be received and registered, and upon which patents from the commonwealth may issue, as in other cases, upon a compliance with the requisitions of law in such cases provided: *Provided*, that nothing in this act contained shall be construed so as to extend to any case of infants, *femes covert*, or of persons of unsound mind. *And provided also*, that this act shall not be construed so as to authorise any entry to be surveyed, or plat and certificate to be registered, except on head-rights obtained under the laws of this commonwealth, authorising the appropriating the vacant lands thereof.

1813.

Survey to be returned to the register's office, &c.

Proceeding where a survey is made of the whole tract.

Surveyor, how governed in making survey.

Survey returned to the register's office, & a grant may issue.

Proviso.

CHAPTER CXXXII.

An ACT to provide for the collection of fees of deceased officers.

Approved January 26, 1814.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That when any officer of Fee bills may be issued for

1813. fees due a deceased officer by his deputy for services performed by the deputy. government who is allowed by law to issue fee bills, and place them in the hands of other officers for collection by distress and sale, shall depart this life, and leave any fees due for which no fee bills have issued, or been signed previous to his death, the deputy of such officer, if he had any, may issue and sign any such fee bills, due for the official duties and services which said deputy may himself have performed previous to the death of the principal, and place them in the hands of the proper officers for collection, in the same time and manner now directed by law ; and said fee bills shall have the same force and effect, and confer an equal authority for distress and sale, to compel payment, as they would have done had said principal not departed this life ; and shall be subject to the same limitation as other fee bills. *Provided, however,* that such deputy shall sign to such fee bills, together with his own name, the name of his late principal.

May be dist-
trained for.

Proviso.

Sec. 2. *Be it further enacted,* That if there be no deputy, or if fees remain due for services which the deputy did not actually perform, and the fee bills of the deceased shall remain not issued and signed, the administrators or administratrix, executors or executrix, of such deceased officer, or any of them, shall issue and sign such fee bills as executor or executrix, administrator or administratrix of the deceased ; and may place the same within the hands of the proper officers for collection, within nine months after administration granted ; and said fee bills shall have the same force and effect, to all intents and purposes, and be collected in the same way they might have been, if such officer had not died.

If there be no deputy, fee bills may be issued and signed by administrators, &c.

How collected and accounted for.

Sec. 3. *Be it further enacted,* That if any such officer shall have departed this life within two years previous to the passage of this act, and shall have left such fee bills not issued and signed, his deputy, if he had any, agreeably to the provisions of the first section of this act, or his executors or executrix, administrators or administratrix ; and agreeably to the provisions of the second section, as the case may require, shall be allowed to issue and sign such fee bills, as herein directed : *Provided,* said fee bills be so issued and signed, within nine months after the passage of this act, and on or before the first day of April then next following, be

Retrospective provisions.

Proviso.

placed in the hands of the proper officers for collection ; and said fee bills shall have the same force and effect, and confer the same authority of distress and sale, as they would have done if issued and signed by the officer himself, in his lifetime.

1813.

Sec. 4. *Be it further enacted*, That any deputy officer, executor or executrix, administrator or administratrix, shall be subject to the same penalties for making a wrong charge, or issuing a wrong fee bill, as the principal would have been in his lifetime for a like offence.

Penalty for
wrongcharge
of a fee bill.

Sec. 5. *Be it further enacted*, That if any such officer may have heretofore died, or shall hereafter depart this life, having previously issued and signed his fee bills, they shall possess the same validity after his death, to all intents and purposes, as if such officer had not died.

Fee bills issued by such officer previous to his death, to be collected &c. as heretofore.

Sec. 6. *Be it further enacted*, That if any person against whom a fee bill issues, signed by the executors, executrix, administrators or administratrix, as directed by this act, shall positively make oath, before any justice of the peace, that he or she has paid such fee bill, and shall produce a certificate of such affidavit to the officer holding such fee bill for collection, such officer shall return said fee bill to the executors or executrix, administrators or administratrix, with the truth of the case endorsed on such fee bill ; and the executors or executrix, administrators or administratrix, of the deceased officer, shall not be allowed to collect the same, except by suit or warrant, as other debts or demands : *Provided, however*, that no fee bill shall be issued under the provisions of this act, except for services rendered within two years preceding the death of such officer, unless insolvency, or absence of the person owing such fee bill, shall have been previously returned thereon, agreeably to the laws of this state.

When oath is made that a fee bill has been paid the sheriff shall not collect it.

But executors, &c. may sue for it.

Proviso.

CHAPTER CXXXIII.

An ACT to prevent ordained excommunicated Preachers from the privilege of celebrating marriage rites, and for other purposes.

Approved January 26, 1814.

The act referred to in the preamble to the third section, will be found in Volume II, page 64.

1813.

Excommuni-
cated minis-
ters, their tes-
timonials for
celebrating
marriages
declared void

Penalty for
joining any
person in
marriage.

How recover-
ed and appli-
ed.

Proviso.

Proviso.

Further pro-
viso.

Recital.

Marriages so-
lemnized in
certain cases
declared le-
gal.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That whenever any minister of the gospel shall be suspended, deposed, or excommunicated, by, and from the society to which he belongs, for any other cause than a difference in religious tenets, or principles, from the church or society to which such minister belonged, that his testimonial, authorising him to solemnize the rites of matrimony, as directed by an act in that case made and provided; shall be, and is hereby declared to be null, and of no effect. And if any minister shall celebrate the rites of matrimony, or join any person in marriage, after he shall have been so suspended, deposed or excommunicated, as aforesaid, he shall, for every such offence, forfeit and pay one hundred dollars, recoverable before any circuit court in this commonwealth, upon a presentment of a grand jury, to which no prosecutor shall be necessary, one half to the use of the informer, and the other half to the use of the commonwealth: *Provided*, that nothing herein shall be so construed, as to invalidate the marriage of any such persons, married by any such minister: *And provided also*, that this act shall not be in force till from and after the first day of July next: *Provided, however*, that if any such minister shall thereafter be restored to communion with the society to which he belonged, or shall be received into any other regular society, or church, that such minister, from the time of such restoration, or admission, shall be reinstated with all the rights of which he was deprived by the provisions of this section.

Whereas it is represented to this assembly, that some preachers of the gospel, having obtained license under the authority of the state of Virginia, while this state was a part thereof, for solemnizing the rites of marriages, and being ignorant of the necessity of renewing their license, under the authority of this state, and have continued to solemnize the rites of marriage by virtue of their former license; and doubts have arisen whether such marriages are legal: Therefore,

SEC. 2. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That all marriages which shall have been solemnised by any person, by virtue of a license obtained under the authority of the state of Virginia, or any other of the United States,

shall be as legal and valid in every respect, as if the said marriages had been solemnized under an authority derived from this state : And the preachers or persons who have solemnized such marriages, shall be exempt and free from all the pains and penalties that persons solemnizing the rites of marriage contrary to law, were subject to.

1813.

And whereas it is represented to the general assembly, that some ministers of the gospel and justices of the peace, have failed, through mistake, to certify marriage license agreeably to the sixth section of the act entitled "an act for regulating the solemnization of marriages," approved February 3rd, 1798 :

Sec. 3. *Be it therefore enacted*, That the further time of twelve months be allowed to all such ministers and justices of the peace, to comply with the requisitions of the section aforesaid ; which shall be considered as valid as if done agreeably to said section ; and shall exonerate the minister or ministers, or justice or justices of the peace, aforesaid, from all the pains and penalties of the seventh section of the before recited act.

Further time
of 12 months
allowed to
certify mar-
riage returns.

All acts, or parts of acts, coming within the purview of this act, shall be, and the same are hereby repealed.

Repealing
clause.

CHAPTER CXXXIV.

An ACT supplemental to the act entitled "an act to provide for the payment of this State's proportion of the Direct Tax."

Approved January 26, 1814.

Had its effect.

CHAPTER CXXXV.

An ACT increasing the powers of the Trustees of certain Towns in this Commonwealth.

Approved January 28, 1814.

The act referred to in the 5th section, will be found in Volume IV, page 358.

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1813.

Trustees to
cause main
streets to be
paved.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That the trustees of the town of Louisville, in Jefferson county, shall have power, under such rules and regulations as they may adopt, to cause the main street of said town, between cross street number three, and cross street number six, to be paved at the expence of the owners of lots and parts of lots, fronting on that part of said street; which said expence shall be levied on, and recovered from the owners of said lots and parts of lots, at such time, and in such manner, as may be deemed expedient by the said trustees, in proportion to the number of feet front on said street.

Streets may
be paved up-
on petition.

SEC. 2. *Be it further enacted,* That whensoever the owners of three-fourths of the front ground, on any of the remaining part of main street, or any other street, or part of a street in said town, shall petition the trustees thereof to have the same paved, they shall have power to cause the pavement to be made, in manner directed by the first section of this act: *Provided, however,* they shall cause no pavement to be made, unless it shall extend from one street to another.

Proviso.

Regulations
respecting
the towns of
Paris & Ver-
sailles.

SEC. 3. *Be it further enacted,* That the trustees of the town of Paris, in the county of Bourbon, and the trustees of the town of Versailles, in the county of Woodford, shall have full power and authority to make any orders, rules and regulations, which may be necessary for keeping their streets clean, and to compel the citizens of said towns to clean the same, under proper fines and penalties, recoverable before a justice of the peace. And said trustees shall also have full power and authority, to order and determine that their streets, or any portion of them, which may be deemed expedient, shall be paved; and to direct that any person holding real estate in said town, binding on any of the streets thereof, to pave with good brick or stone, as may be by said trustees directed, one half the said street so binding on said lots or real estate; and if such person so directed to pave, after notice of said order, and a reasonable time given, shall fail or refuse to pave, as in said order shall be directed, said trustees shall have full power and authority to employ some suitable person, on as reasonable terms as can be had, and to assess the value, or price thereof on the owner of said lot; which price, said

owner shall be bound to pay; and if he or she shall fail to pay the amount within two months after the notice of such assessment, it shall be recoverable from him or her, by action of debt or assumpsit, or by warrant before any justice of the peace, as may best suit the amount of the sum, and nature of the demand, and as is usual in other cases of demands of like magnitude.

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Sec. 4. *Be it further enacted*, That the trustees of the town of Maysville, in the county of Mason, be, and they are hereby authorised to levy upon the real property and improvements thereon, of the said town, any sum of money, not exceeding four hundred dollars; to be collected as heretofore, and applied towards keeping in repair the streets and alleys thereof.

Maysville trustees may levy town tax.

Sec. 5. *Be it further enacted*, That the present trustees of the town of Flemingsburg, in the county of Fleming, or their successors in office, shall be, and they are hereby authorised to carry into effect the provisions of an act passed on the 31st of January, 1812, respecting the said town.

Authority to Flemingsburg trustees

Sec. 6. *And be it further enacted*, That the trustees of the town of Richmond, Madison county, shall have full power and authority to compel the owners of lots or parts of lots, fronting any of the streets in said town, whenever a majority of the owners of said lots fronting any of the said streets shall petition the board of trustees, to pave with good brick the side walks of the street, in front of each of their lots or parts of lots, under such fines and penalties as a majority of said trustees may deem necessary, recoverable before a justice of the peace, in like manner that debts of the same amount are recoverable. And for the purpose of procuring buckets for a fire engine, the trustees of said town, or a majority of them, shall have power to levy and collect a tax on the value of the property in said town; and shall also have power to organize a fire company, and establish such rules and regulations for its government, as they may deem necessary.

Regulations concerning the town of Richmond.

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CHAPTER CXXXVI.

An ACT further to effectuate the will of Samuel Paul Jones, in relation to a Church at Bardstown.

Approved January 28, 1814.

Preamble.

WHEREAS it is represented that Samuel Paul Jones devised lots, numbers three and four, in Bardstown, to be occupied forever as a grave-yard ; and by will, directed another lot in said town, and his personal estate, after the payment of his debts, to be sold and applied to the erection of a church thereon ; but did not by his said will, vest the aforesaid lots, numbers three and four, in any particular person or persons, or devote them to the care, use or occupancy of any particular sect, or religious society : And whereas, the proceeds of his personal estate and the lot whereon he lived, has not, by the most prudent management of his executors, been found more than sufficient to erect and cover in the walls of a church on the said lots, which in its unfinished state, is represented as useless and liable to decay and ruin : For remedy whereof, and to effectuate the pious purposes of the aforesaid Samuel P. Jones,

County court
may appoint
trustees every
3 years.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the county court of Nelson county, may, at the April or May session thereof, in the present year, and at one of the same sessions of said court, at the expiration of every three years forever thereafter, appoint five fit persons as trustees of said lots, grave-yard and church, in whom the same shall vest ; and who, or any three of them, shall superintend and take the proper care of the said property, and permit it to be used as a grave-yard and church, in such manner, as in their judgment will best promote the pious intention of the aforesaid Samuel P. Jones ; and the said trustees are hereby authorised to receive subscriptions, and apply them to inclosing in of the said lots, and to the completion of the aforesaid church thereon.

Their power
and duty.

County court
to enter the
names of the
trustees on
their records.

Sec. 2. *And be it further enacted,* That the said county court shall, whenever they appoint trustees under this act, enter the same upon their records ; and they may, as occasion may require, at any session of their court, supply any vacancy that may happen by the death, resignation or removal from the county of any of the said

trustees. And the said trustees, or a majority of them, shall be competent to do all and every act or acts necessary for the protection and care of the aforesaid graveyard and church; and may sue and be sued, in relation to any matter connected with, or growing out of the powers hereby vested in them, or the duties resulting therefrom.

1813.

CHAPTER CXXXVII.

An ACT to amend an act entitled "an act providing a compensation for killing Wolves, under certain restrictions."

Approved January 28, 1814.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That every person who shall kill any wolf in this commonwealth, shall receive one dollar for every wolf he shall kill not exceeding six months old; and for every wolf above the age of six months, two dollars and fifty cents.

Compensation for killing wolves.

SEC. 2. *Be it further enacted,* That any person claiming the benefit of this act, shall produce before some justice of the peace for the county where such wolf was killed, the head thereof, and the justice shall administer to such person the following oath, to wit: "You do solemnly swear (or affirm, as the case may be) that the head now produced by you, is the head of a wolf which you have killed in this state, and that you did not take said wolf in any other state or territory, and bring the same into this state, either directly or indirectly." And said justice shall require upon oath, the time, as near as may be, when said wolf was killed, and in what county; and such justice shall grant to the killer a certificate, stating his name; that he has killed a wolf, mentioning whether the said wolf is over or under six months old, of which the justice is to be the judge, and that the killer has taken the oath required by this act.

Duty of persons claiming the benefit of this act.

To take an oath.

Duty of the justice.

SEC. 3. *Be it further enacted,* That every justice of the peace before whom any wolf's head shall be produced, shall destroy it forthwith, after granting the certificate required by this act.

SEC. 4. *Be it further enacted,* That any person holding a certificate under the provisions of this act, who

Killer, how to be paid.

1813.

shall produce to the sheriff or collector of the county where such wolf was killed, a certificate as before directed, it shall be the duty of such sheriff or collector to pay the amount of such certificate out of revenue tax.

Auditor to credit the sheriff for the money paid.

Sec. 5. *Be it further enacted.* That when any sheriff or collector shall produce a certificate as before directed to the auditor of public accounts, it shall be his duty to give such sheriff or collector a credit for the amount thereof.

Repealing clause.

All acts that come within the purview of this act, are hereby repealed.

CHAPTER CXXXVIII.

An ACT for the relief of William Pearl and William Smith.

Approved January 28, 1814.

Absence on military service had prevented their surveying and registering lands granted to them, within the time prescribed by the acts. This act gave them two years longer.

CHAPTER CXXXIX.

An ACT to amend the law authorising the appropriation of the Lands acquired by the Treaty of Tellico.

Approved January 28, 1814.

Payment of instalments postponed, & when to be paid.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That the several instalments of the debt due the commonwealth for the sale of her vacant lands within the Tellico purchase, which become due and payable on the first day of January, in the years 1812, 1813 and 1814, shall be postponed as respects the times of payment of such instalments; and shall be due and payable on the first day of December, in the years 1814, 1815 and 1816, respectively: *Provided, nevertheless,* that interest on the said several instalments shall be computed as if this law had never passed.

Proviso.

How forfeited, and how to be redeemed.

Sec. 2. *And be it further enacted,* That upon failure to make payment of the several instalments, or any one of them, as they become due and payable, the land on which the same is due and payable shall not be offered

for sale as heretofore, but shall, for any such failure, be considered and held as forfeited to the commonwealth; but shall be redeemable, on the owner of such forfeited claim, or any other on his behalf, paying into the public treasury all arrearages due for principal, as well as interest, on such forfeited claim, at the time of such redemption, with ten per centum damages on the amount thereof.

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Sec. 3. *And be it further enacted*, That any person claiming lands within the limits of the said purchase, under the various laws authorising the appropriation of the vacant lands therein, who shall, within ten months from the passage of this act, pay into the public treasury the whole of the purchase money due the government for any claim acquired as aforesaid, shall be entitled to and receive a discount of all the interest due thereon.

Condition on which interest may be discounted.

CHAPTER CXL.

An ACT more effectually to ascertain and establish the division line of the Counties of Shelby and Henry, and of the Counties of Lincoln and Casey.

Approved January 23, 1814.

The act referred to in the preamble, will be found in Vol. II, page 200.

WHEREAS it appears to the present general assembly, that the line dividing the counties of Shelby and Henry, directed by an act of assembly approved December 14, 1793, erecting a new county out of the county of Shelby, hath not been correctly run: For remedy whereof,

Preamble;

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Andrew Holmes, William Taylor, David Standiford and Lowry Jones, of the county of Shelby; and William Neill, John Calloway, William M. Rice and Edmund Bartlett, of the county of Henry, or a majority of them from each county, be, and they are hereby appointed commissioners to ascertain, run and distinctly mark the line between the said counties, according to the requisitions of the original act erecting a new county off the county of Shelby, and return a certificate thereof to each of the county

Comm'rs. appointed.

Their duty.

1813.

{

courts of said counties ; which shall be recorded in the the offices of said courts ; and thereafter the line so run and marked, shall be the established line between the aforesaid counties.

**Their allow-
ances, & how
paid.** Sec. 2. *Be it further enacted,* That the commissioners appointed by this act, shall be allowed three dollars per day, for each day they may be employed in running said line. The commissioners appointed on the part of Shelby, to be paid out of the county levy for the county of Shelby ; and the commissioners for the county of Henry, shall be paid out of the county levy of the county of Henry.

**To employ
chain carriers
and a marker
—their pay.**

Sec. 3. *Be it further enacted,* That the aforesaid commissioners shall be, and they are hereby authorised to employ chain carriers and a marker, who shall be entitled to two dollars per day for their services ; one half to be paid by each county, upon the production of a certificate from the commissioners, of the number of days they may have served, and the amount to which they are entitled.

**Officers to
collect fees &
public dues.**

Sec. 4. *Be it further enacted,* That it shall be lawful for the sheriffs and constables of the aforesaid counties of Shelby and Henry, to collect and make distress for any public dues and officers' fees which shall remain unpaid by the inhabitants within the bounds of said counties, at or before the time the division line aforesaid shall take place ; and shall be accountable for the same in like manner as if this act had not been made, any law to the contrary notwithstanding.

**Comm'rs.
chain carriers
and marker
to be sworn.**

Sec. 5. *Be it further enacted,* That the said commissioners, chain carriers and marker, being present, and being first duly sworn by some justice of the peace, to discharge the trust herein reposed with fidelity, may proceed to run and mark the said line, according to the provisions of this act and the act to which this refers: *Provided,* that each commissioner shall have at least ten days' notice in writing, of the time and place of meeting ; which notice may be given by any one commissioner herein named.

Proviso.

**County courts
of Henry and
Shelby to
make allow-
ances.**

Sec. 6. *Be it further enacted,* That the county courts of the counties of Shelby and Henry, at their next county courts of claims, are hereby authorised and directed to make the aforesaid allowances to their respective commissioners, chain carriers and markers, pursuant to the provisions of this act.

And whereas some dispute exists as to the true line between the counties of Lincoln and Casey: Therefore, to settle all dispute and establish the line between the said counties, 1813.

Sec. 7. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That George Murrell and John Blain, of Lincoln county, and major John Woolford, of Casey county, be appointed commissioners to run and establish the said line according to the following directions: Beginning on the line run by the surveyor of Casey county, from the great suck on Carpenter's creek, to Carpenter's station, five hundred yards from George Carpenter's present dwelling-house; running thence such a course as will strike the great road leading from Carpenter's station to the Rolling fork, west of said Carpenter's present dwelling house; thence a direct line, to strike the line run by the surveyor of Casey, from Carpenter's station to the head of Harris' creek, at such point as will include the present dwelling-house of George Carpenter, in the county of Lincoln.

Line between Lincoln & Casey, how to be run.

CHAPTER CXLI.

An ACT to provide for the procurement of Fire-Engines for the Towns of Versailles, Bardstow and Russellville.

Approved January 28, 1814.

CHAPTER CXLI.

An ACT for the benefit of the heirs of James C. Price, dec'd.

Approved January 28, 1814.

It authorised his administratrix to sell a tract of land, for the payment of his debts.

CHAPTER CXLIH.

An ACT to provide for the payment of the Officers who attended the Court of Enquiry called for the examination of charges exhibited against Major General Samuel Hopkins.

Approved January 28, 1814.

Had its effect.
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DECEMBER SESSION.

1813.

CHAPTER CXLIV.

An ACT to amend the law providing for the collection of the Revenue Tax for the County of Floyd, for the years 1807-9 and 11, and for other purposes.

Approved January 28, 1814.

Had its effect.

CHAPTER CXLV.

An ACT to amend an act incorporating the Directors of the Winchester Library Company.

Approved January 28, 1814.

BE it enacted by the General Assembly of the Commonwealth of Kentucky. That it shall and may be lawful for the stockholders belonging to the said company, or a majority of them, who shall attend at any of the meetings authorised by the said act, to elect directors for the government of the said institution, in the manner and upon the terms provided by the said act; any former law to the contrary notwithstanding.

CHAPTER CXLVI.

An ACT to repeal in part an act for the benefit of John Protzman.

Approved January 28, 1814.

The act referred to will be found in Vol. I, page 356.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That the latter clause of the second section of the act entitled "an act for the benefit of John Protzman," passed in the year 1795, which requires of the trustees of the town of Paris to take bond with sufficient security from the said John Protzman, or his legal attorney, payable to them for the use of the rightful proprietor of said town, conditioned for the payment of all sums of money which they should pay, and for the amount of such bonds and notes as they may deliver, with interest thereon, in case the said John Protzman should be legally evicted from the land on which said town stands; and so much of said clause as required:

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such bond to be lodged with the clerk of the county court of Bourbon, and recorded in his office, shall be, and the same is hereby repealed.

1813.

CHAPTER CXLVII.

An ACT to reduce the number of Trustees of the Bourbon, Winchester and Montgomery Academies.

Approved January 28, 1814.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That where any resignation or removal of any of the trustees of the Bourbon academy hath taken place, or may hereafter take place, or where a vacancy shall happen in any other manner, such vacancies shall not be filled by new elections until the number is reduced below nine; which number (nine) shall thereafter be the number of trustees of said academy, in lieu of the number heretofore allowed by law; five of whom shall constitute a quorum to do business.

Bourbon:

SEC. 2. *And be it further enacted,* That when any vacancy may hereafter happen, either by death, resignation or otherwise, in the board of trustees of the Winchester academy, the said vacancies shall not be filled until the number of trustees is reduced to seven, which shall thereafter be the standing number of trustees for said academy; who, or a majority of them, shall have as full power to act, in all cases, as is now given by law to the existing board of trustees; any law to the contrary notwithstanding.

Winchester:

SEC. 3. *And be it further enacted,* That when any vacancy may hereafter happen, either by death, resignation or otherwise, in the board of trustees of the Montgomery academy, the said vacancy shall not be filled until the number of trustees is reduced to five, which shall thereafter be the standing number of trustees for said academy; who, or a majority of them, shall have as full power to act, in all cases, as is now given by law to the existing board of trustees; any law to the contrary notwithstanding.

Montgomery

1813.

CHAPTER CXLVIII.

An ACT for the benefit of John Wright.

Approved January 28, 1814.

He had a weakly wife, and six small children, five of whom were deaf and dumb, and the sixth an idiot. This act remitted him the balance of the state price due on 100 acres of land in Warren county.

CHAPTER CXLIX.

An ACT to amend the law authorising the change of Venue.

Approved January 31, 1814.

Who capable of granting orders for change of venue. SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That no application shall hereafter be made for a change of venue, in any case, to any circuit judge, except the judge appointed to preside in that circuit in which said suit is depending, or the assistant judges of such court, unless such circuit judge or judges be a party or parties to the suit, or interested therein.

Stages at which change of venue cannot be granted. SEC. 2. *And be it further enacted,* That no order for a change of venue shall be awarded in any suit at law, depending in any of the courts of this commonwealth, after an issue has been joined between the parties, or a trial has been had before a jury; or in a suit in chancery, after the same has been set for hearing, and an argument had before the court, or an interlocutory decree pronounced therein; nor shall the papers in any such suit be removed in virtue of any such order, unless the same shall be deposited with the clerk of the court in which such suit shall be depending, and the costs paid up to the clerk, at least thirty days before the commencement of the next term of such court.

Papers, where lodged, and costs paid. SEC. 3. *And be it further enacted,* That all applications for orders to change the venue in suits depending in the circuit courts of this commonwealth, shall be made to the circuit judge, or two assistant judges of the court where the suit or suits are depending, unless the cause of the removal shall be personally applicable to said circuit judge or assistant judges; in such case application for such change of venue shall be made to that one of the other circuit judges whose residence shall be

To whom applications to be made.

nearest to the place at which the circuit in which such suit shall be pending is held.

1813.

Sec. 4. *And be it further enacted,* That any circuit judge granting an order for a change of venue, shall preserve a duplicate of such order, which, upon the request of the adverse party in the said suit, shall be delivered to him by the judge awarding the same; and upon the failure of the party obtaining such order, to file the same with the clerk of the circuit in which such suit is pending, within ten days from the date thereof, and to comply with the other legal requisitions for the removal of the suit, it shall and may be lawful for the adverse party, having obtained the duplicate order as aforesaid, to file the same, and by the payment of the costs which have been incurred, to procure the removal of such suit, in the same manner and with the same legal effect as the applicant for such order might or could have done. And if any party to any suit pending as aforesaid, shall notify the adverse party of an application to be made by him for a change of venue, and shall fail to apply for, to obtain, or to use the same, it shall and may be lawful for the circuit in which such suit is pending, at their term next succeeding the receipt of such notice, upon the motion of the person so notified as aforesaid, to enter up a judgment in favor of the person receiving, and against the person giving such notice and failing as aforesaid, for a sum at the rate of three cents per mile for the distance which the plaintiff in such motion may have travelled to attend the said application. And in all cases where a change of venue is granted under the provisions of this act, it shall be the duty of the judge or judges granting such change of venue, to remove the same to some adjoining county, to which the causes of such removal do not apply, nor either of the parties litigant reside.

Regulations
respecting a
change of ve-
nue.

Sec. 5. *And be it further enacted,* That the clerk of the court in which the suit so ordered to be removed is pending, at the time of such removal shall transmit, together with a transcript of the record and proceedings in the cause, a certified copy of the petition, affidavit and judge's order of removal, to the office of the court to which the said removal is made, which shall be filed and remain in such office as a part of the record in the suit.

Duty of the
clerks.

1813.

CHAPTER CL.

An ACT to amend the law concerning Patrollers.

Approved January 31, 1814.

The act referred to will be found in Vol. II, page 264.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That so much of every act of assembly as limits the power of the county courts in laying off districts for patrollers to any specific number, shall be, and the same is hereby repealed.

SEC. 2. *Be it further enacted,* That the county courts of each county may lay off their respective counties into as many districts, as from time to time to them shall seem necessary, and appoint in each district a company of patrollers, according to the requisitions of an act approved November 29th, 1799, entitled "an act directing the county courts to appoint patrollers;" and the said patrollers shall in all things comply with the provisions of the act aforesaid.

CHAPTER CLI.

An ACT to amend the several laws establishing a permanent revenue.

Approved January 31, 1814.

Form of
commission-
ers' books.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That in lieu of the forms of commissioners' books now in use by the clerks of the county courts, and commissioners of tax, the form hereto annexed shall be, and the same is hereby adopted throughout this commonwealth.

Persons giv-
ing in taxable
property to
annex the va-
lue thereof.

SEC. 2. *Be it further enacted,* That each person hereafter giving in to a commissioner his list of taxable property, shall add thereto the value of his or her slaves, horses, mares, geldings, mules, jennies, and wheel carriages for the conveyance of persons.

Value of im-
ported mer-
chandise to
be given in.

SEC. 3. *Be it further enacted,* That each person owning, holding or possessing, a wholesale or retail store or stores, and listing the same for taxation, shall add thereto, the whole amount of the value of all the merchandise procured or purchased by him or her for the year next preceding, at the prime cost thereof, except-

ing thereout goods, wares and merchandise, manufactured in the United States.

1813.

Sec. 4. *Be it further enacted*, That each person listing lands or town lots for taxation as heretofore directed, shall also add to said list, the value of said land or town lots, considered in their improved state, and including all the improvements thereon attached to the freehold, except machinery moved by steam, factories of hemp, cotton, flax, wool, iron, paper and fermented or distilled liquors. Each valuation directed by this act, shall be fixed on the tenth day of March next preceding the time of giving in said list; and the year for which the value of the merchandise procured or purchased by persons holding wholesale or retail stores is listed, shall end on the tenth of March of that year in which the wholesale or retail stores are enlisted for taxation. In rendering the value of lands and town lots, the real value shall be given, without regard to any conflicting claim or title.

Value of land
&c. &c. to be
given in.

Improvements
not subject to
taxation.

Lands, town
lots, how given
in.

Sec. 5. *Be it further enacted*, That the commissioners of tax, shall insert in the proper columns of his book, formed after the pattern hereto annexed, the different articles of taxation; and in the last column shall insert the total value of all the taxable property contained in the list.

Duty of the
commissioners.

Sec. 6. *Be it further enacted*, That tavern licenses, billiard tables and stud horses, shall be taxed as heretofore, except that each billiard table shall hereafter pay the sum of two hundred dollars, in lieu of the tax now imposed by law on that article; and there shall be a tax levied and collected on each jack-ass equal to the price of covering one mare or jenny for one season.

Additional
subjects of
taxation.

Sec. 7. *Be it further enacted*, That on all the property taxed by virtue of this act, including the lands of non-residents, there shall be levied and collected as the revenue of this state, in the manner directed by law, the sum of two hundred and twenty-five thousand dollars, for each and every year hereafter, until otherwise directed by law.

The amt. of
taxes to be
levied & collected.

Sec. 8. *Be it further enacted*, That the auditor of public accounts, so soon as the books of the commissioners are transmitted to him by the clerks of the county courts, in fixing the value of each tract of the lands of non-residents listed in his office for taxation, shall take

Auditor's duty
in regard
to lands of
non-residents.

1813.

for his guide from the commissioners' books so returned, the average value, as nearly as can be ascertained, on lands of the same rate, in the same county or counties, or the same water course where the respective tracts of lands of non-residents are situated, and place the said value on said lands, and add the same to the aggregate value of property returned in the commissioners' books.

Further duty
of the auditor
in fixing the
per centum.

To transmit
it to sheriffs.

Duty of sher-
iffs.

Penalty on
failure of du-
ty.

How recov-
erable and ap-
plied.

Further duty
of the auditor

Nonresidents
aggrieved by
valuation,
how to get
redress.

Sec. 9. *Be it further enacted*, That the auditor shall next ascertain from the commissioners' books, the whole amount of revenue charged on stud horses, jackasses, billiard tables and tavern licenses, and deduct the same from the amount of revenue directed to be raised by this act; and shall then ascertain as near as can be done, the per centum necessary in raising the balance to be charged and collected on the value of the lands of non-residents, and the whole value of articles returned in the commissioners' books. And he shall, on or before the first day of February in every year, transmit by some safe hand, or by mail, to the sheriffs of the different counties, the rate per centum to be collected on the value of all the taxable property in the state; and the sheriffs, in making their collections, shall be governed thereby accordingly. And each sheriff shall set up, and advertise the rate per centum, on the court-house door of his county, for two successive county or circuit courts, next after he shall receive it; and if he fail to do so, or set up a wrong per centum, he shall pay a fine to the commonwealth of fifteen dollars, recoverable before any justice of the peace, or by motion in the county court, to be appropriated towards lessening the county levy. And the auditor shall, at the time of transmitting said per centum to the different sheriffs, hand the same to the public printer, to be by him inserted in his paper, for four weeks successively. The postage of transmitting the per centum to the different sheriffs, shall be paid from the public treasury, by virtue of the auditor's warrants for that purpose; but before the auditor shall draw such warrant, the governor shall examine the account, and certify it to be correct.

Sec. 10. *Be it further enacted*, That if any non-resident shall think himself aggrieved by the valuation of his land, directed to be made by the auditor under this act, he may, by himself or agent, make a list of his

lands agreeably to the form prescribed by this act for residents' lands, and fix the value of his land in the mode directed by this act; who shall enter such valuation of such lands on his books, and shall be governed by the same, until a new assessment is made, as directed by this act.

1813.

Sec. 11. *Be it further enacted*, That the assessment or valuation of non-residents' lands, directed to be made by the auditor, shall continue the same for the space of three years; and at the end of said term, and of every three years thereafter, the auditor shall make a new valuation thereof, in the manner directed by this act.

Valuation of
nonresidents'
lands to con-
tinue 3 years.

Sec. 12. *Be it further enacted*, That in the charge of taxes, and collection thereof from non-residents, the auditor and register shall be governed by the same per centum transmitted to the different sheriffs, and shall sell the lands for defalcation in payment, as now directed by law.

Auditor and
register to
sell lands of
nonresidents.

Sec. 13. *Be it further enacted*, That on all shares of bank stock in the bank of Kentucky, held by individuals, and all shares held in the Kentucky Insurance Company, or any bank hereafter established, there shall be levied and collected yearly, a revenue at the rate of twenty-five cents on each share of one hundred dollars. And the president and directors, or cashier, on making their last dividend of each preceding year, shall retain the said amount of taxes, and pay the same into the treasury of this commonwealth; and on producing the treasurer's receipt, obtain the auditor's quietus, on or before the tenth day of January in every year; or on failure thereof, the president and directors of said institutions, or any number of them in their individual capacity, shall pay a fine to the commonwealth of fifteen hundred dollars, to be recovered on motion in the general court, by a notice from the auditor of public accounts given to the president of said bank, or insurance company, or other bank so making default, as in case of sheriffs and other public debtors.

Bank stock
held by indi-
viduals taxed.

Taxes to be
paid by the
president &c.
of the bank,
and when.

Penalty on
failure.

Sec. 14. *Be it further enacted*, That fines and triple tax, shall be imposed as heretofore for the same failures; and any person failing to add the value to his or her list, or giving in an improper value, shall be subject to a fine and triple tax, in the same manner as he or she would be in case he or she had totally failed to give in

Fine and tri-
ple tax on
persons giv-
ing in an im-
proper list.

1813. their list of taxable property, according to the existing laws on that subject.

Pedlars to obtain license—and how.
Tax to be paid clerk.
And accounted for by him as other taxes.
Penalty on pedlar retailing goods without license.
Pedlar failing to produce license shall be fined.

Sec. 15. *Be it enacted*, That no pedlar or itinerant retailer of goods, wares and merchandise, shall be permitted to sell or retail his articles of traffic, unless he shall previously apply to some clerk of a county court, and pay to him the sum of twenty dollars; and thereupon the clerk shall issue to him a license, to retail his goods, wares and merchandise, for the space of one year, in this state. The clerk shall produce the amount of the money so paid for pedlars' licenses to the county court, together with his amount of taxes on county seals and conveyances; and having sworn to the same, pay it into the treasury, deducting the per centum to which he is entitled on the other revenue in his hands. If any pedlar shall offend against this act, or retail goods without such license existing, any justice of the peace, by warrant directed to the sheriff or constable, shall cause said person to be apprehended and brought before him; and upon inquiry into the matter, if the justice shall be of opinion, that said pedlar is guilty of retailing against the provisions of this act, he shall commit him to the jail of his county, till double such sum be paid, and license be obtained. Any pedlar failing or refusing to present his license, when required by a justice of the peace, shall upon conviction thereof, by competent testimony before any other justice, be fined ten dollars and costs, to be applied towards lessening the county levy.

The clerk to swear to the amount of taxes.

Sec. 16. *Be it further enacted*, That hereafter, the several clerks of the county and circuit courts, within this commonwealth, shall make oath to the amount of monies received by them, for, and on account of the commonwealth, either before the county or circuit courts of their county, which shall be received by the auditor of public accounts, as heretofore.

Sheriff's commission.

Sec. 17. *Be it further enacted*, That the sheriff or collector of each county, shall be entitled to the commission of six per centum only, for collecting the revenue directed by this act, in lieu of the commission now allowed by law.

The revenue pledged for the repayment of the loan of \$100,000.

Sec. 18. *Be it further enacted*, That out of the fund arising from the revenue collected under this act, the treasurer for the time being, and his successor in office, shall from time to time pay over to the bank of Kentucky, the debt due that institution by the state, until

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the whole shall be discharged: *Provided, however,* that there shall be left in the treasury in each year, a sufficient sum to discharge the governmental expences of that year.

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Sec. 19. *Be it further enacted,* That nothing in this act shall be so construed as to have any effect upon the revenue to be collected and paid into the treasury the present year.

The tax of the present year not to be affected by this act.

	Persons' names chargeable with Tax.
	1st Rate,
	2nd Rate,
	3rd Rate,
	LAND.
	County in which land lies.
	Water Course.
	In whose name entered.
	Surveyed.
	Patented.
	White males over 21 years.
	Blacks over 16.
	Total Blacks.
	Horses, mares mules and jennies.
	Stud horses and jacks.
	Rates of covering per season.
	Wholesale and retail stores.
	Tavern license.
	Billiard tables.
	Wheel carriages.
	Value of land per acre.
	Total value, except stud horses, jack-asses and billiard tables.

FORM OF COMMISSIONER'S BOOK.

DECEMBER SESSION,

1813.

CHAPTER CLII.

An ACT allowing certain volunteers tours of duty, and prescribing additional duties to the Adjutant General.

Approved January 31, 1814.

Had its effect.

CHAPTER CLIII.

An ACT for the benefit of William Hall.

Approved January 31, 1814.

A patent issued to him had not been recorded: This act directed it to be done.

CHAPTER CLIV.

An ACT to establish conditional lines made between head-right settlers, and for other purposes.

Approved January 31, 1814.

WHEREAS it appears to the present general assembly, that those settlers who have heretofore obtained certificates of settlement, under the several laws of this commonwealth granting relief to settlers, to quiet interferences and to prevent litigation, the parties interested have heretofore amicably and by mutual consent, in many instances, fixed on conditional or division lines: Therefore,

Lines agreed on by the parties established.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That in all suits now depending, or which may hereafter be brought, such lines made and agreed on as aforesaid, which shall be established by the evidence of one or more credible witnesses, shall be good and valid between the parties making the same, and their assignees: *Provided,* such assignee or assignees shall have had full and fair notice of said division line, before or at the time of his purchase.

What kind of surveys to be void.

Sec. 2. *And be it further enacted,* That no survey hereafter made by virtue of an entry on a removed certificate, or any entry or survey made on a seminary claim, shall interfere with any survey now made, or which shall hereafter be made, founded on any entry made by virtue of an original certificate, and such part so interfering shall be null and void.

Sec. 3. *And be it further enacted*, That no survey hereafter made by virtue of a removed certificate, or by virtue of a seminary entry, shall interfere with or include any improvement with one hundred acres of land including said improvement, if made and cultivated by an actual settler, residing on said land or lands adjoining thereto, provided such improvement was made and the land cultivated previous to the entry or surveys aforesaid being made.

1813.

Settler secure against certain claims

CHAPTER CLV.

An ACT for the better regulation of the Town of Winchester, in Clarke County.

Approved January 31, 1814.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall and may be lawful for the white male inhabitants of the age of twenty-one years and upwards, who have resided within the bounds of the town for the three months next preceding the first Monday in June annually, to elect on the said first Monday in June, five persons as trustees for the town, for the ensuing year; who shall hold their office until their successors shall be elected and organized.

Trustees to be elected, & how long to serve.

Sec. 2. The election shall be held at the court-house within said town, and under the direction of a trustee then in office, having been appointed by the president of the existing board of trustees for that purpose; who shall, within ten days after the election, make a return to the clerk of the board of the names of the persons so elected; which shall, at their next meeting, be entered on their records, and considered as the trustees of the town for the year ensuing.

Election, where & how held, &c.

Sec. 3. In case of a failure to elect, or in case of a vacancy by death, resignation, removal out of the town or otherwise, the president of the board shall direct one of the board to hold an election to supply such omission or vacancy, at a time by him appointed, on giving notice by advertisement at the market-house, the two next market days preceding such election.

How vacancies to be supplied.

Sec. 4. No person shall be elected a trustee who has not a legal or equitable title to real estate within the bounds of the town, and qualified to vote for trustees for

Who eligible, and to take the oath.

1813.

Stated meet-
ings and gen-
eral regula-
tions.

the same. Each trustee, before he enters on the duties of his office, shall take an oath before a justice of the peace for the county of Clarke, that he will, to the best of his abilities, execute the duties of a trustee for the town of Winchester; a certificate of which oath shall be filed with the clerk, and at their next meeting entered on the records of the board.

Sec. 5. The trustees shall hold four stated meetings in each year, at such time as they may fix by their by-laws, and such other meetings as the president shall deem proper to call. A board shall consist of at least three members, and shall meet within fifteen days after they have been elected; at which time they shall appoint a president from among their own body, who shall preside at their meetings; and on his failing to attend at any meeting of the board, they shall appoint one of their body, who shall preside in his absence. They shall elect a clerk annually, who shall hold his office until a successor shall be elected, unless removed for good cause; and in case of removal, a majority of all the trustees must concur. The clerk shall receive a compensation for his services, to be fixed by the trustees, not exceeding one hundred dollars a year. Before he enters on the duties of his office, he shall take the following oath, before a justice of the peace for the county: "That he will keep safe all books and papers committed to his care, and faithfully execute the office of clerk to the board of trustees for the town of Winchester;" a certificate of which oath shall be entered on their records. They shall annually appoint a treasurer, who shall hold his office until a successor shall be appointed, unless removed for good cause; and in case of removal, a majority of all the trustees must concur. The treasurer shall receive a compensation for his services, to be fixed by the trustees, not exceeding six per cent. on the monies he shall receive. Before he enters on the duties of his office, he shall enter into bond, with security, payable to the trustees of the town of Winchester, and their successors, in a penalty of ten thousand dollars, conditioned that he will well and truly execute the office of treasurer to the board of trustees for the town of Winchester; and the trustees may, at any time, on his failing to perform any of the duties annexed to his office, prosecute a suit in the Clarke circuit

court, or any other court having similar jurisdiction, on the said bond, and recover judgment for what may be then due, with an advance of fifteen per cent. on said judgment, together with cost ; on which execution shall issue, endorsed "no security to be taken ;" and such bond shall not be void upon the first judgment, or dismissal of a first suit, or other suit, but may be put in suit from time to time until the whole penalty shall be recovered. It shall be the duty of the treasurer to settle with and receive the taxes due from the town collector ; to keep a fair account of all monies received and paid out by him as treasurer ; to pay out no monies except by an order from the board, signed by the president and attested by the clerk ; and once in every year, and as much oftener as the board shall direct, produce to the board his accounts, fairly stated, with his vouchers, and pay over any balance that may be due, at the direction of the board.

1813.

Sec. 6. They shall appoint a town assessor, who shall assess the value of all lots, and the improvements thereon, merchandize, and such other personal property as the board may direct, that is within the bounds of said town, on the first day of June annually ; and also take a list of all the house-keepers, with the number of white males over sixteen years of age, resident in each family ; which assessment and list shall be returned by the assessor to the clerk of the board, on or before the first day of July, and kept by him for the inspection of those listed thereon, until the next stated meeting of the board, and then returned by the clerk to the board ; at which time those who think themselves aggrieved may attend, and the board shall hear them, and make such alteration in the list as they may deem right ; which assessment and list, when recorded, shall stand as the assessment and list of that year. And the said assessor, in making out his list and assessment, shall apply at the house of each house-keeper for his list of property to be assessed, and number of males over sixteen years ; and on any person or persons failing or refusing to render his, her or their list as aforesaid, or when the owner of real or personal property does not reside within the town, the assessor shall list and assess the same from the best information he can get. The assessor shall receive a compensation for his services, to be fixed by the board, not

Assessor to
be appointed
& the duties.

Persons ag-
grieved may
apply to the
board.

Further du-
ties of asses-
sor.

His compen-
sation.

1813.

exceeding one dollar for each day he may be necessarily engaged in making such assessment.

Tax to be laid & regulations respecting it. Sec. 7. The trustees shall annually, at the stated meeting on which the assessor's list is to them returned, (or as soon thereafter as convenient) lay a tax on the property returned in said list, not exceeding twenty-five cents for each hundred dollars valuation, (male slaves over sixteen excepted) and also a tax on each house-keeper, not exceeding one dollar, for each male so listed over sixteen years of age. They shall in each year appoint a town collector, who shall receive a compensation for his services, to be fixed by the trustees, not exceeding six per cent. on the money he shall collect; who, before he enters on the duties of his office, shall enter into bond, payable to the trustees of the town of Winchester, and their successors, with sufficient security, in a penalty of double the sum to be by him collected, conditioned to collect and pay to the treasurer of the board, all the taxes put into his hands to collect, on a day to be fixed by the by-laws of the board, and inserted in the condition of his bond; whose duty it shall be, so soon as any list of taxes is put into his hands for collection, to proceed to collect from the persons charged on his list, the amount so charged against them; and on their failing or refusing to pay the same, he may proceed to collect the same by distress and sale of the personal estate of such person, or so much thereof as will be sufficient to pay the taxes and expence of distress and sale, first giving ten days' previous notice of the sale, by advertising at the court-house and market-house in said town. And the collector shall have power to collect any arrearages of taxes due him as collector, for two years after the time expires for which he was appointed. The collector shall, on or before the day specified in the conditions of his bond, account with and pay over to the treasurer the amount due from him, after deducting delinquents and insolvents, also his commission for collection; and on failure thereof, the trustees may, on giving ten days' previous written notice, recover judgment, on motion in the Clarke circuit court, against the said collector and his securities, the full amount of the taxes then due, with fifteen per cent. damages on the same, and cost of suit; on which judgment execution shall issue, endorsed "no security to be ta-

ken." And the collector shall receive a commission on the taxes by him collected, to be fixed by the board, not exceeding six per cent. ; and for making distress and sale of personal property, in the collection of the town tax, he shall be allowed the same fees as are now allowed the collector of the revenue of this state for similar services.

1813.

Sec. 8. *And be it further enacted,* That the trustees shall have power to pass by-laws, imposing a tax on any person or persons who for a compensation shall exhibit any feat or show within the town: *Provided,* no tax shall be imposed thereon exceeding ten dollars per day for each feat or show. And on failure to pay the same to the president of the board, he shall collect the same by warrant, in the name of the trustees of Winchester, together with cost of suit. They shall have power to pass by-laws declaring what shall be a nuisance and obstruction in the town, and to compel the removal of the same by the person who may occasion them, or have them removed at their expence. They shall have jurisdiction over the market-house now built on the public square of said town, and over that part of said ground now inclosed by the post and rail fence around the same; and may increase the size of the market-house, provided they shall not extend the same beyond the ground now inclosed around the same, without the consent of the county court being first obtained. They shall have power to appoint a clerk to the market; to prescribe his duties, and to prohibit, under penalty of forfeiture, the exhibiting in market provision or provisions unfit for market, or such as shall be found under weight or measure; to make laws to regulate the market, and affix penalties to the breach thereof, not exceeding ten dollars for any one breach. They shall have power and jurisdiction over the well now dug on the public square of said town, and thirty feet square around the same, including the well in the centre; to make by-laws for the regulation of the same, and affix penalties for the breach thereof, not exceeding five dollars for any one breach. They shall have jurisdiction over the spring in said town, known in the plan thereof by the name of the public spring, and also the lot including the same; and shall make by-laws for the regu-

Power to levy tax on show-men, & regulations thereon.

May pass by-laws respecting nuisances

Their jurisdiction and power.

1813.

lation thereof, and affix penalties to the breach of them, not exceeding five dollars for any one breach.

Sec. 9. *And be it further enacted,* That the trustees of the town of Winchester shall have power and jurisdiction to make by-laws and ordinances for the regulation of the streets, alleys and police of the town; affix penalties to the breach thereof, not exceeding ten dollars for any one breach. They shall have power, whensoever the majority of the proprietors of the front ground of any street or square petition them, to order the owners of the front of such street or square to pave the foot-way of the same, within such time and under such regulations as they shall direct; and upon any one or more of the owners of such front ground, failing or refusing to pave the same agreeable to such order, the trustees shall have the foot-way in front of his or their ground paved, and assess the expence on the party or parties so failing or refusing; which assessment shall be put into the hands of the town collector, who shall collect and account for the same as other taxes by him collected.

Sec. 10. *And be it further enacted,* That all taxes, fines or assessment that may be collected and received by the trustees of the town of Winchester, under the provisions of this act, that the same shall be by them applied in repairing the streets and alleys, and such other purpose as they may deem for the general benefit and safety of said town.

Trustees to
make deeds.

Sec. 11. *And be it further enacted,* That the trustees shall have power to make conveyance by deed, to all lots holden within the bounds of the town, not already by them conveyed, to such person or persons, and his or their assigns, as shall, agreeable to the laws of this commonwealth, produce to them a fair and equitable title, whether the same be deduced from the said trustees, the original purchaser or purchasers from the trustees, or from any special law of this commonwealth: *Provided,* all and every person or persons claiming deeds, must shew that the original purchase money is paid.

Their power
to annex
ground, and
regulations
under it.

Sec. 12. *And be it further enacted,* That whensoever any person or persons holding ground adjoining to the aforesaid town of Winchester, by a legal title thereto, fairly deduced upon record from the commonwealth, shall, by deed or other writing recorded in the clerk's

office of the Clarke county court, petition the trustees of said town to annex the said ground to the town aforesaid, the trustees shall, if in their opinion the annexion of said ground to the said town will redound to the benefit of the town aforesaid, declare that the said ground shall thereafter be a part of the town of Winchester. Whereupon the said trustees shall proceed to lay off the said ground into convenient streets, alleys and lots; and shall exercise the jurisdiction and power over the same which are herein before by this act, or any other act, vested in said trustees over the said town of Winchester: *Provided, however,* that the trustees shall not expose to sale the ground annexed to said town conformably to the foregoing provisions: *And provided,* that the said trustees, in laying off the streets and alleys, shall not interfere with any buildings which may have been erected on said ground, without the consent of the owner.

1813.

All acts and parts of acts coming within the purview of this act, shall be, and the same are hereby repealed.

Repealing clause.

CHAPTER CLVI.

An ACT authorising and providing for the erection of a State-House in the Town of Frankfort.

Approved January 31, 1814.

WHEREAS the recent destruction of the state-house by fire, has rendered it expedient and necessary to erect a new one on the public square in the town of Frankfort, of such materials as shall insure durability, and of such dimensions as shall insure the comfortable accommodation of the legislature and the public functionaries; and upon some approved plan, which shall combine, as far as practicable, that taste in the design and execution, with that utility in the disposition of its various parts, which the present state, as well as the future increasing population and prosperity of the commonwealth require: Wherefore,

Preamble.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That John Brown, Daniel Weisiger, Richard Taylor, William Hunter and Jephthah Dudley, be, and they are hereby appointed

Commrs. appointed, and their authority to contract for materials,

1813.
and to take
bonds, &c.

commissioners on behalf of the commonwealth, with full power and authority to them, or a majority of them, to contract with any person or persons for furnishing all or any part of the materials required for the construction of such building, as well for the actual construction and finishing the same in all its various parts; and to receive from any person or persons with whom they may so contract, bonds or other obligations, with approved security, payable to the commonwealth, for securing the faithful performance of all such engagements, as well as to execute on behalf of the commonwealth, all such contracts and obligations as shall be proper and necessary to the attainment of the object contemplated by this act.

Powers & duties of com'rs in superintending the work &c.

Sec. 2. *And be it further enacted,* That the said commissioners shall have power and authority to superintend, control and direct the execution and finishing the said edifice in all its various parts, and are expressly enjoined to examine with the utmost care and attention, as well the quality of the different materials proposed to be employed in the execution of the work, as it progresses in its various stages; and to permit no materials to be employed, or work to be performed, which is not calculated to insure the requisite degree, as well of elegance as durability, to the said building.

The house to be of brick—its dimensions &c.

Sec. 3. *And be it further enacted,* That the walls of the state-house hereby authorised to be erected, shall be built of brick, and in the dimensions of the main body of the building not exceeding 120 feet in front, extending back a distance not exceeding 80 feet, two stories in height, with two rooms on the first floor for the accommodation of the legislature; and with rooms on the second, for the courts of justice, and other suitable apartments; and of wings, of one story in height, detached from the body of the principal building, for the accommodation of the offices of the register, auditor, treasurer and secretary of state; all of which said offices shall be finished on the inside with the use of as little wood, of any kind, as is practicable, and so constructed as to be fire-proof.

How the commissioners to apply the subscriptions.

Sec. 4. *And be it further enacted,* That for the purpose of defraying the expences to be incurred in the erection of the aforesaid building, the said commissioners shall apply all such sums of money or thing, which have been or shall hereafter be subscribed for the pur-

pose aforesaid. And the said commissioners are hereby required to demand and receive from the persons in possession thereof, the subscription papers, containing all the various subscriptions which have been made by the citizens of Frankfort, towards the erection of the said building, and to open subscriptions for the voluntary contributions which any of the citizens of this commonwealth may be disposed to pay towards the attainment of the objects of this law; and to collect and receive the sums so subscribed, at the time and in the manner that the subscribers shall have stipulated, or shall stipulate to pay the same; and to appropriate the various sums of money or other thing which may be subscribed towards the payment of the expences to be incurred in the completion of the said building.

1813.

To demand the subscriptions now in the hands of individuals.

To open subscriptions, & how to be applied.

Sec. 5. *And be it further enacted*, That the commissioners aforesaid, before they enter upon the discharge of their duties hereby enjoined, shall enter into bond, before the clerk of the court of appeals, with security to be approved of by the governor, and payable to the commonwealth, conditioned for the faithful appropriation of all such sums of money, and contributions in materials, property or labor, which shall come to their hands in virtue of the provisions of this act: *Provided*, that the commissioners aforesaid shall make no contract on the faith of the state; nor shall the state of Kentucky be in any, liable for any contract made by said commissioners: *Provided also*, the passage of this law shall in no respect whatever be considered as a pledge to the citizens of Frankfort, or those who may subscribe to the re-building of the capitol in said town, of the continuance of the seat of government at the town aforesaid.

Comm'rs. to give bond with clerk of court of appeals.

Comm'rs. to make no contract on the part of the state.

No pledge to the citizens of Frankfort by this proviso.

CHAPTER CLVII.

An ACT establishing the Robertson Academy in the town of Columbia, and County of Adair, and regulating said town.

Approved January 31, 1814.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That William Casey, Christopher Tompkins, William Owens, William Caldwell and Nathan Gaither, gentlemen, be, and they are

Trustees appointed.

1813.

Corporate
powers.

hereby constituted a body politic and corporate, to be known by the name of "The Trustees of the Robertson Academy;" and by that name, shall have perpetual succession, and a common seal, with power to change or alter the same at pleasure; and as a body corporate, shall be authorised to exercise all the powers and privileges that are now enjoyed by the trustees of any academy or seminary of learning in this state. And on the death, resignation, or other disqualification of any of the trustees aforesaid, or their successors, a majority of the remaining trustees shall fill such vacancy, and the person or persons so appointed, shall be vested with the same power and authority, as if specially named by this act; and by the name and style of "The Trustees of the Robertson Academy," may sue, and be sued, implead, and be impleaded, in any court of record, or before any justice of the peace.

Powers granted.

Sec. 2. *Be it further enacted*, That the trustees aforesaid, or their successors, shall have power, in their corporate capacity, to receive a conveyance from William Caldwell, for his donation to the said institution, of lot No. 12, on which the said academy is erected; and also to purchase as much other ground around the same, as a majority of them may deem expedient, for the use and benefit of said institution.

Further powers granted.

Sec. 3. *Be it further enacted*, That a majority of the said trustees, or their successors, are hereby authorised and empowered to lease, or rent, or sell and convey the whole, or any part of the donation land, secured by any law, for the use and benefit of a seminary of learning in the said county of Adair, and apply the proceeds thereof, to the use and benefit of the said Robertson Academy, in any way which they may deem most beneficial to said institution.

Further powers.

Sec. 4. *Be it further enacted*, That any three of the said trustees shall have power to fix the time and place of their first meeting, and shall notify the residue; and when a majority thereof shall have met, and taken the oath hereafter mentioned, they shall proceed to appoint a president and clerk, who shall take an oath, well and truly to discharge all the duties of their respective offices; which oath shall be administered by a justice of the peace.

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Sec. 5. *Be it further enacted*, That the said trustees and their successors, before they proceed to discharge the duties of their office, shall, before some justice of the peace, take the following oath, viz. "I, A. B. do solemnly swear, well and truly to discharge the several duties enjoined by law, as a trustee to the Robertson Academy, to the best of my skill and judgment—So help me God." And that after the first meeting of the said trustees, the board may be called by the president, or any two of the members.

1813.

Trustees to take an oath.

Powers.

Sec. 6. *Be it further enacted*, That the said trustees shall have power to adjourn from day to day, and to make such rules, by-laws, and ordinances for the government of themselves, and the teachers, students and employers, as they may deem proper, not inconsistent with the laws of this commonwealth.

Sec. 7. *Be it further enacted*, That a majority of the said trustees, shall have full power to employ any number of tutors and professors to the said academy; to fix their salaries and terms of tuition, and to engage any other officer that may be necessary; and for misconduct, to expel any tutor, professor or student, from said academy.

Sec. 8. *Be it further enacted*, That in all cases, except the sale and conveyance, leasing or renting seminary lands, the employing, or expelling tutors or professors, and fixing the rates of tuition, expelling students, and making fixed by-laws, four trustees shall be sufficient to form a board and do business.

Sec. 9. *Be it further enacted*, That the said trustees and their successors, or a majority of them, shall have power to purchase, establish, and fix a library, maps and philosophical apparatus, for the use and benefit of said academy, whenever their funds will permit, and to them it may seem expedient.

Further powers.

Sec. 10. *Be it further enacted*, That an election for trustees of the said town of Columbia, shall be held at the court-house in said town, in the month of January next, and in the same month in every year thereafter, on a certain day, to be fixed by the county court of said county, at their term in the said month of January, or the month of December preceding; which elections shall be regulated and conducted in other respects, as directed by an act for the regulation of the town of Columbia, in Adair county, approved December 27th, 1808.

Elections, when held.

1813. *Sec. 11. Be it further enacted,* That the present acting trustees for the said town, shall continue to perform the duties of their office until their successors be duly elected and sworn ; and that any subsequent board or set of trustees for the said town, duly elected or appointed, shall possess and exercise the same power.

Sec. 12. Be it further enacted, That so much of the before recited act as directs elections for trustees for the said town, to be held on the second Saturday in January in every two years, shall be, and the same is hereby repealed.

Sec. 13. Be it further enacted, That the trustees to the said academy, and their successors, or a majority of them, shall have power and authority, to relinquish the title of the county court as trustees to the said academy or seminary, to the tract of one thousand three hundred and eighty-four acres of land, granted to them by patent, bearing date the 17th day of February, 1809, and re-enter, survey and carry into grant, the same number of acres, or a less quantity, in any convenient number of surveys, of not less than one hundred acres each, on any waste and unappropriated land in this state ; and that the said trustees shall have the same power and authority over the lands appropriated under this section, as set forth in the third section of this act, and that the relinquishment shall be entered on the county court order book, and certified to the register of the land office.

CHAPTER CLVIII.

An ACT allowing further time for the County Courts and Trustees to locate and carry into grant their several donations of Seminary Lands allowed them by the laws of this Commonwealth.

Approved February 1, 1814.

BE it enacted by the General Assembly of the Commonwealth of Kentucky. That the several county courts and trustees of seminary institutions, be, and they are hereby allowed the further time of two years to locate, survey, and carry into grant the several donations of land, allowed them by the laws of this commonwealth, or the balance thereof, where part has been pa-

tented : *Provided, however,* that no location or survey for any donation of seminary land made by virtue of this act, shall in any wise interfere with any lands appropriated under any of the laws of this commonwealth, by certificate, entry or survey, or any military claim, settlement and pre-emption claim, or treasury warrant claim, or the claims of any actual settler, not exceeding the quantity of 200 acres, including the place of actual settlement in the centre of a square, and running to the cardinal points, unless prevented by lines of contiguous or adjacent claims ; such actual settler having settled himself on vacant land with a design of appropriating the same, in virtue of the laws of this commonwealth. And all locations and surveys made, and grants obtained under the provisions of this act, so far as the same may be found to interfere with any of the claims aforesaid, shall be entirely null and void : *And provided also,* that no survey made for seminary lands by virtue of this act, shall include a less quantity than one hundred acres ; nor shall any lands located by virtue of this act, interfere with the reserved lands lying within the bounds of Tellico or Highwassee treaties, or with any land to which the Indian title has not been extinguished.

1813.

CHAPTER CLIX.

An ACT for the benefit of Green Clay.

Approved February 1, 1814.

He had purchased a tract of land at sheriff's sale, under an execution in behalf of the commonwealth, and had paid \$1000 50 cents ; afterwards the execution was quashed, and the sale set aside : This act directed the repayment of the money with interest, out of the treasury.

CHAPTER CLX.

An ACT authorising the Governor to provide for the collecting together, and safe keeping of the public Arms.

Approved February 1, 1814.

WHEREAS it is represented to this present general assembly, that that part of this state's quota of arms and military accoutrements, received from the general

1813.

government, are scattered and much abused, in consequence of there being no provisions made by this state for the reception and safe keeping of the same : Wherefore,

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That the governor is hereby authorised and empowered to take such steps for collecting of said arms as he may think proper ; and when so collected, to appropriate a sufficient number of rooms in the penitentiary or elsewhere, in the town of Frankfort, for the deposit and safe keeping of the said arms, and other military accoutrements. Any expences incurred by the governor under the provisions of this act, shall be paid out of the public treasury, on the amount of said expences being certified by the governor to the auditor of public accounts : *Provided,* that the governor may, at his discretion, from time to time distribute the said arms and accoutrements, or as many of them as he may think proper, amongst the different independent volunteer companies, or troops of the militia of this state ; taking bond and security of the commanding officer of such company or troop respectively, for the safe keeping and returning of such arms to the quartermaster general of this state, whenever called on for that purpose.

CHAPTER CLXL

An ACT for the relief of Jesse Harrison.

Approved February 1, 1814.

He had paid money into the treasury on a wrong head-right certificate : This act directed the money to be applied to the right one.

CHAPTER CLXII.

An ACT to amend the act authorising the opening a road from Newcastle, in Henry County, to the mouth of Licking river.

Approved February 1, 1814.

The act referred to will be found in Vol. III, page 365.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That in lieu of the commissioners

XXII. YEAR OF THE COMMONWEALTH.

1813.

appointed by the act approved December 22d, 1806, that William M. Rice, William Neale, Edmund Bartlett, Edmund Searcy and Joseph Brinker, shall be, and are hereby appointed commissioners; who, or a majority of them, after having taken an oath, before some justice of the peace, for the purpose, shall proceed, under the before recited act, to view and mark the nearest and best way from Newcastle, in Henry county, to the mouth of Licking river, or to intersect some other leading road to that point, without partiality, favor or affection; and shall be vested with the same powers that were given the former commissioners; and proceeded to have the said road opened in such manner as will render it fit for the passage of waggons.

1813.

CHAPTER CLXIII.

An ACT for the benefit of George Walker.

Approved February 1, 1814.

The act granted him 124 acres of land in Rockcastle county, at the price of \$ 20 per 100 acres.

CHAPTER CLXIV.

An ACT for the benefit of Religious Societies in this Commonwealth.

Approved February 1, 1814.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That if any society or sect of christians in any part of this commonwealth, shall heretofore have associated, or hereafter shall associate themselves together, in congregational form, and shall have acquired, or hereafter shall acquire a piece or lot of ground, for the purpose of erecting thereon a house or houses of worship, grave-yard, and pound for horses; and shall have heretofore received, or shall hereafter receive the title of said ground, by devise, or conveyance to trustees for the use and benefit of said society or congregation, and it shall become necessary, by reason of the death or removal of said trustees, or through any other cause, to appoint new trustees to support the legal estate, it shall and may be lawful, for

Religious societies may elect trustees to fill vacancies, &c.

1813.

And return
their names
to the county
court to be
recorded.

Trustees
thereupon
vested with
the legal ti-
tle.

Proviso.

Proviso.

Further pro-
viso.

said society or congregation, by the election held by its members, or by those appointed for that purpose, according to the rules of said society, to elect or appoint, as often as may be necessary, any number of trustees not exceeding five; and to produce the names of said trustees so elected or appointed, to the county court of the county where the house of worship may be situated; who shall order the said names to be entered on their records; and thereupon, said trustees, so elected or appointed, shall be vested with the legal title of said land, for the use and benefit of said congregation; and shall have power to do any legal act in conducting the same which may be necessary for the uses aforesaid; and to maintain any action or actions of trespass, or other action, for the safe keeping and preservation of said property, which may be necessary for that purpose: *Provided, however,* that if any chism or division shall take place in said congregation or church, from any other cause than the immorality of its members, nothing in this act shall be so construed as to authorise said trustees to prevent either of the parties so divided, from using the house or houses of worship, for the purposes of devotion, a part of the time, proportioned to the numbers of each party: *Provided,* that the quantity of real estate hereafter acquired by any religious society, and vested in trustees and their successors, under this act, shall not exceed four acres of land: *Provided,* that nothing in this act shall be construed to authorise the minority of any church having seceded from, or been expelled, or excommunicated from the church or congregation, from interfering in any manner, in their appointments for preaching or worship, with any appointment for similar purposes, which may have been made by the body or the major part of such church or congregation.

XXII. YEAR OF THE COMMONWEALTH.

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CHAPTER CLXV.

1813.

An ACT to amend the law concerning the Madison, Hardin and Henry Academies.

Approved February 1, 1814.

The act referred to will be found in Vol. II, page 241.

WHEREAS it has been represented to the general assembly, that the trustees of the Madison academy, appointed by an act of the general assembly passed in the year 1798, having failed to perform the duties imposed on them by the said act: Therefore,

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky, That* John Patrick, Moses M. Price, Anthony W. Rollins, Archibald Woods and Curtis Fields, be, and they are hereby appointed trustees of the Madison academy, with all the powers granted to the former trustees of said academy, by the former acts. And to enable the said trustees to carry into effect the purposes intended by the said acts. they are hereby authorised to sell or lease the whole of the land belonging to the said academy, at such time, and giving such credit; as they may think proper; the price of which shall be applied to the purchase of a lot of ground near the town of Richmond, and erecting a suitable building thereon, for the use of said academy. And the trustees of said academy shall procure a well bound book, in which shall be recorded all their proceedings; and it shall be the duty of the trustees to enter at length all the sales they may make of the land, and to whom sold, and to what amount; which record shall be evidence of the sales made of the land, and the amount sold for; so far at least as to charge the trustees with the amount of the sale, and accountable to their successors in office, of the application of the money by them received. And it shall be lawful, when a vacancy shall happen, for the trustees immediately to elect another or other trustees to fill the vacancy.

Trustees appointed to the Madison academy.

Their powers and duties.

Sec. 2. *And be it further enacted, That* the trustees of the Hardin academy, or a majority of them, are authorised to lease or sell the whole or any part of the lands belonging to that institution, for the purpose of erecting necessary buildings, and procuring the apparatus for the use of that academy; and they are hereby vest-

Certain powers granted the trustees of the Hardin academy.

1813.

ed with full power to convey by deed or deeds ; and are to be governed by the same regulations as in the above recited act ; any law to the contrary notwithstanding.

Trustees appointed to the Henry academy.

Sec. 3. *Be it further enacted.* That Rowland Thomas, Isham Henderson, Robert Thurston, James Bartlett and Joseph Brinker, are hereby constituted a body politic and corporate, to be known by the name of "The Trustees of the Henry Academy;" and by that name shall have perpetual succession, and a common seal, with power to alter or change the same at pleasure; and as a body corporate shall be authorised to exercise all the powers and privileges that are now enjoyed by the trustees of any academy or seminary of learning in this commonwealth. And on the death, resignation or refusal to act, of any of the said trustees, a majority of the remaining trustees shall fill such vacancy; and the person or persons so appointed, shall be vested with all the power and authority they would have, if specially named in this act. And by the name of "The Trustees of the Henry Academy," may sue and implead, be sued and impleaded, in any court in law or equity, or before any tribunal having cognizance of the same.

Their powers & privileges.

Trustees may sell or lease the seminary land.

Sec. 4. *Be it further enacted,* That the title of the seminary lands heretofore appropriated by the county court of Henry, for the use of the Henry academy, be, and it is hereby vested in the present acting trustees of said academy, and their successors in office; and they, or a majority of them, are hereby authorised to sell or lease all or any part of said land, and appropriate the proceeds thereof to the erection of a building; to the purchase of books or philosophical apparatus, and to the employment of a public teacher or teachers, for the use and benefit of said academy. And upon any sale or sales, made under this section, the said trustees may make a deed or deeds, in fee simple, to the purchaser or purchasers: *Provided*, that the sales contemplated by this section, shall in all cases be controlled and directed by the county court of Henry county.

To what purposes applied

Proviso.

XXII. YEAR OF THE COMMONWEALTH.

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CHAPTER CLXVI.

1813.

An ACT for the benefit of Polly Shields and Thomas Crawford.

Approved February 1, 1814.

The act permitted them respectively to locate small tracts of land in Mercer county.

CHAPTER CLXVII.

An ACT for the appropriation of Money.

Approved February 1, 1814.

This is the ordinary appropriation act.

CHAPTER CLXVIII.

An ACT to amend the penal laws of this Commonwealth.

Approved February 1, 1814.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That any person or persons who shall hereafter forge or counterfeit, or procure to be forged or counterfeited, any writing whatever, whereby fraudulently to obtain the possession of, or to cause any person or persons to be deprived of any property whatever, he, she or they, his, her or their aiders and abettors, shall, upon conviction thereof, be confined in the jail and penitentiary house of this state, for a period not less than two years, nor more than six years.

Forgery, how punished.

SEC. 2. *And be it further enacted,* That if any person or persons shall hereafter utter and publish as true, any false, forged or counterfeited writing, made for the purpose of fraudulently obtaining the possession of, or depriving any person or persons of any kind of property whatever, knowing the same to be forged and counterfeited at the time of uttering and publishing the same, he, she or they, his, her or their aiders and abettors, shall, upon conviction thereof, be confined in the jail and penitentiary house of this state, for a period not more than six years, nor less than two years.

Period of confinement.

For publishing any forged writing knowingly, how punished.

Period of confinement.

SEC. 3. *And be it further enacted,* That hereafter if any person or persons, in any matter which is or may be judicially depending, or in any subject in which they can

Perjury, how punished.

1813.

be legally called on to be sworn, when sworn by a person authorised by law to administer an oath, shall wilfully and knowingly have sworn, deposed and given in evidence that which is untrue and false, he, she or they shall, upon conviction thereof, be confined in the jail and penitentiary house of this state, for a period of not more than six years, nor less than two years.

Confinement.

Oath, how administered to the foreman of a grand jury.

Presentments, &c.

Sec. 4. *Be it further enacted*, That in empanneling grand juries in the several courts in this commonwealth, the court shall appoint a foreman, who shall take the oath now prescribed by law for grand jurors to take, with the alteration "you as foreman of this grand jury;" and all presentments and indictments shall be returned by the grand jury by their foreman; if a presentment, signed by him, and if an indictment, endorsed on the same "a true bill," and signed also by the foreman.

DECEMBER SESSION, 1814.

CHAPTER CLXIX.

1814.

An ACT authorising the insertion of certain advertisements in "The Kentuckian," published in Shelbyville; the "Weekly Messenger," printed in Russellville, and the "Winchester Advertiser," printed in Winchester.

Approved December 19, 1814.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall, and may be lawful, for any advertisements which are by law required to be published in a newspaper, to be inserted in "The Kentuckian," published in Shelbyville, the "Weekly Messenger," published in Russellville, and the "Winchester Advertiser," published in Winchester, Kentucky; and the editor or editors of said papers, shall be entitled to the same fees, and be governed by the like regulations, as other printers in this commonwealth: Provided, that nothing herein contained, shall be construed so as to authorise the insertion of such advertisements in said papers, as are particularly required by law to be published in the paper of the public printer.

CHAPTER CLXX.

An ACT for the relief of the Trustees of the Greenville and Greenup Seminaries.

Approved December 19, 1814.

WHEREAS it is represented to the present general assembly, by the trustees of the Greenup and Greenville Seminaries, that on account of certain embarrassments to the titles of land, vested in them as trustees, lying in the county of Christian, they have made a compromise and sale of said lands to Joshua Crafts:

Sec. 1. Be it therefore enacted by the General Assembly of the Commonwealth of Kentucky, That the compromise and

Preamble.
Sale of 3,700
acres con-
firmed.

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T

DECEMBER SESSION,

1814.

Sale of 3,650
acres con-
firmed.

sale of 3,700 acres of land lying in the county of Christian, contained in two several surveys, one of 3,200 acres, the other of 500 acres, vested in the trustees of the Greenup Seminary, and by them sold to the said Joshua Caits, on the second day of November, 1814, be, and the same is hereby ratified and confirmed.

Sec 2. *And be it further enacted*, That the compromise and sale of 3,650 acres, lying in the county of Christian, and vested in the trustees of the Greenville Seminary, and by them sold to said Joshua Caits, in January, 1814, be, and the same is hereby ratified and confirmed.

CHAPTER CLXXI.

An ACT for the relief of the Sheriffs of Christian and Livingston Counties.

Approved December 19, 1814.

The act gave them further time respectively, to make their collections and return delinquent lists.

CHAPTER CLXXII.

An ACT for the relief of John Francis and Richard Slavey, and Joseph Barnett and his Associates.

Approved December 22, 1814.

They had obtained a grant of land in 1811, on condition of their manufacturing 1000 bushels of salt in three years: This act gave them three years more to fulfil the condition.

CHAPTER CLXXIII.

An ACT for the relief of Oliver Porter.

Approved December 22, 1814.

The act authorised a divorce from his wife on his proving in a suit of chancery that she was pregnant by another man at the time of marriage.

CHAPTER CLXXIV.

1814.

An ACT to alter and extend the March Term of the Bullitt Circuit Court.

Approved January 2, 1815.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That the March term of the Bullitt circuit court, to be holden on the first Monday in March, shall hereafter commence on the fourth Monday in February, in each year, and continue twelve juridical days, if the business of said court require it: *Provided, however,* that the county court may sit as heretofore; any thing in this act to the contrary notwithstanding.

Bullitt circuit court to sit hereafter in February instead of March, and to sit 12 days.

SEC. 2. *Be it further enacted,* That all process returnable to the March term, heretofore allowed, shall be considered as returnable to the said February term; and so much of any act as comes within the purview of this act, shall be, and the same is hereby repealed.

Process made returnable to Febr'y. term. Repealing clause.

CHAPTER CLXXV.

An ACT to legalize the proceedings of the County Courts of Greenup and Jessamine.

Approved January 2, 1815.

WHEREAS the county court of Greenup, at their last November term, proceeded to lay the county levy by a minority of said court, owing to uncontrollable circumstances:

Preamble.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the proceedings of the said court, be, and the same is hereby legalized, and rendered valid in law; and that the levy collected in said county the year one thousand eight hundred and fifteen, shall be the same as laid by the said court at the time heretofore specified; and shall be collected, accounted for, and appropriated in the same manner, and under the same rules and regulations as if there had been a majority of the justices of said court present, and assenting, when said levies were laid.

The proceedings of Greenup county court in laying their levy, legalized.

And whereas the sheriff of Jessamine county failed to enter into bond for the collection of the revenue for

Recital.

1814.

The bond of
the sheriff of
Jessamine de-
clared valid.

the year one thousand eight hundred and thirteen, at the court designated by law; but entered into said bond at the March term of said court, in the year one thousand eight hundred and fourteen: Therefore,

Sec. 2 *Be it further enacted*, That the said bond shall be as good and valid in law, as if it had been entered into at the proper court.

CHAPTER CLXXVI.

An ACT establishing an Election Precinct in the County of Logan, and for other purposes.

Approved January 2, 1815.

Bounds of the
precinct.

Elections—
where held.

County court
to appoint a
clerk and
judges.

Sheriff's du-
ty.

Polls to be
compared at
Russellville.

Sec. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That all that part of the county of Logan, included within the following boundaries, to wit: Beginning on the Tennessee line where the Warren county line intersects the same, thence with the said Warren line, so far as to include Joseph Sloss; thence to Pilot Knob, including Thomas Niel's; thence to Samuel Duvall's; thence to Traver's Mill, on the state line; thence with said line to the beginning, shall be, and the same is hereby erected into an election precinct; and that the qualified voters in said precinct shall meet at the house of Joel Hudspeths, in said precinct, for the purpose of voting.

Sec. 2. *Be it further enacted*, That the county court of Logan shall, at the time of appointing a clerk and judges, to preside at the election to be held at the court-house, also appoint a clerk and judges to preside at the election to be held in said precinct.

Sec. 3. *Be it further enacted*, That it shall be the duty of the sheriff of Logan county, to attend by himself or deputy, and conduct the election to be held in the aforesaid precinct; which election shall be governed by the same rules and regulations as are now prescribed by law.

Sec. 4. *Be it further enacted*, That the sheriff who presides at the election in said precinct, shall meet the sheriff who presides at the election at the court-house, on the first Saturday succeeding the close of the said

election, at the court-house in Russellville, and compare the polls, and make returns agreeably to the constitution and laws of this commonwealth.

1814.

Sec. 5. *And be it further enacted*, That instead of the election for the western precinct of Christian county being held at the house of Jacob Colley, it shall be hereafter held at the house of Mathias Earley, in said precinct.

Western precinct of Christian, the place of voting changed.

CHAPTER CLXXVII.

An ACT further to regulate the payment of the debt due the Commonwealth for the sale of vacant Lands.

Approved January 2, 1815.

The acts mentioned in the third section will be found in this Volume, pages 42 and 85: The act mentioned in the sixth section will be found in Volume III, page 385.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That any person claiming land under any law of this commonwealth for the sale of vacant lands, may, upon the conditions prescribed in this act, obtain and receive indulgence for the payments of the state price due on any quantity of acres not exceeding four hundred.

Persons claiming lands under the laws for the sale of vacant lands may receive indulgence for the payment therefor, upon certain conditions.

Sec. 2. *Be it further enacted*. That any justice of the peace for any county within this commonwealth, upon application and satisfactory proof being made by the oaths of one or more creditable witnesses, to be examined before him, that the applicant was actually and in good faith a settler at the passage of this act, within the county wherein said land lies, or in the county wherein said certificate was originally granted; or such other county as may have been stricken off from such county; and by his own oath that he was the owner of said land at the passage of this act, and that he has not previously obtained a certificate from any other justice under the provisions of this act, or the act passed the first of February, one thousand eight hundred and thirteen, entitled "an act further to regulate the payment of the debt due this commonwealth for the sale of vacant lands;" which oath shall be stated in said certificate, and returned to, and filed in the auditor's of-

An applicant for indulgence to obtain a certificate of his settlement, &c.

1814. *What to be contained & stated in said certificate.* fice ; such justice shall without fee, give to such applicant a certificate that he was actually and in good faith a settler at the passage of this act, within the county wherein said land now lies, or was originally granted, or such other county as may have been stricken off from it ; which certificate shall also contain a description of the lands which said indulgence is to be granted for, by shewing the number and date of the certificate, and the name or names of the person or persons to whom the same was originally granted.

When a certificate is filed on or before 2d Monday in October next the land is not to be sold. Sec. 3. When a certificate as above described, shall be furnished the auditor on or before the second Monday in October next, he shall file the same and make a note thereof in the margin opposite the name certified ; and the land so described shall not be sold by the register as in other cases : *Provided*, that it shall not be necessary for any person who may have filed a certificate with the auditor under the provisions of an act passed the first day of February, one thousand eight hundred and thirteen, or under the provisions of an act passed the twenty-first day of January, one thousand eight hundred and fourteen, to file a certificate of settlement under the provisions of this act.

Persons paying the whole state price on their claims by the first Jan. 1816, to be entitled to a discount of all the interest due or to become due. Sec. 4. *Be it further enacted*, That every person who may obtain a certificate under the provisions of this act, as well as those who have heretofore obtained certificates under the provisions of the acts passed the first of February, one thousand eight hundred and thirteen, and twenty-first of January, one thousand eight hundred and fourteen, further to regulate the payment of the debt due the commonwealth for the sale of vacant lands, who shall pay into the public treasury by the first day of January, 1816, the whole amount of the state price, or the balance, in case of partial payment already made, shall be entitled to a discount of all the interest due or to become due thereon.

The lands of persons failing to pay the instalments, shall be forfeited to the state. Sec. 5. *Be it further enacted*, That [if] any person who may obtain indulgence under the provisions of this act, shall fail to pay into the public treasury within twelve months from the passage of this act, any instalment which may be due on said land, the land shall not be sold to the highest bidder as in other cases, but shall be forfeited and revert to the commonwealth ; subject, however, to the future disposition of the legislature.

Sec. 6. *Be it further enacted*, That the sales of vacant lands, shall be, and the same is hereby suspended until the sixteenth day of November, 1815 ; and the auditor and register shall respectively proceed to perform the duties required under the provisions of an act entitled, "an act providing for the payment of the debt due the commonwealth, approved December 26, 1806;" and the register shall commence the sales upon the third Monday of November, 1815, and in all things be governed by the provisions of the before recited act : *Provided, however*, that it shall be lawful for any person or persons having lands sold under the provisions of this act, to redeem the same at any time within twelve months from the date of the sale, by paying into the public treasury the amount for which the same was sold, together with ten per centum thereon, and all costs of sale ; and in case the land redeemed be sold to any individual or individuals, they shall be entitled to a warrant upon application for the original purchase money, and the ten per centum thereon.

1814.

Sales of lands suspended.

Duty of auditor and register.

Lands sold may be redeemed upon certain conditions.

Sec. 7. *Be it further enacted*, That any person or persons, whose lands may have been stricken off to the commonwealth for the first, second or third instalment, shall be allowed twelve months from the passage of this act to redeem the same, by paying into the public treasury the amount of the instalment or instalments which it was sold for, together with an interest of ten per centum thereon, and such other instalments which may be due, together with the costs of sale.

Lands sold for the 1st, 2d or 3d instalments may be redeemed on certain terms.

Sec. 8. *Be it further enacted*, That any person who shall within ten months from the passage of this act, pay into the public treasury of this state, the whole amount of the state price, or the balance in case of a partial payment already made, shall be entitled to a discount of one half of the interest due, or to become due thereon ; and any person who shall pay into the public treasury the whole amount of the state price, or the balance in case of a partial payment, within five months from the passage of this act, shall be entitled to a discount of all the interest due, or to become due thereon.

Persons paying the whole price of the state price in ten months entitled to a discount of one half the interest due or to become due ; and if paid in 5 months to a discount of all the interest.

Sec. 9. *Be it further enacted*, That no purchaser at the sales heretofore made, or by this act directed, shall be entitled to the indulgence herein given by the first section of this act ; nor shall any certificate of settle-

No purchaser at former sales to receive indulgence ; nor is

1814.
the auditor
authorised to
receive a cer-
tificate in fa-
vor of such
persons, ex-
cept the pur-
chaser of
their own
lands.
No person
but actual set-
tlers permit-
ted to re-
deem, so as
to give them
title when
their land in-
terferes with
certain other
claims.
Persons not
entitled to a
certificate.
The oath re-
quired by 2d
section, by
whom to be
taken in cer-
tain cases.
Oath in addi-
tion.

ment ever be received by the auditor in favor of any such purchaser, except those persons who may have purchased their own land claims at the register's sales.

Sec. 10. *Be it further enacted.* That no person nor persons, other than actual settlers, shall be authorised to redeem lands which have been forfeited to the commonwealth for a failure to pay on the same within the time authorised by law, so as to give him, her or them, any right, title or claim to the same, when it shall interfere or conflict with the survey of any person actually settled on the land ; or with any entry or survey made by virtue of a seminary warrant ; and should a grant issue, it shall be void so far as it does so interfere.

Sec. 11. *Be it further enacted,* That any person who obtained a certificate under the act of the twenty-first of January, 1814, shall not be entitled to a certificate of settlement under the provisions of the second section of this act : And the oath required to be made by persons in said second section of this act, shall, in the case of *femes covert*, be made by the husband ; and in cases of infants and persons of insane mind, by their guardian, committee or friend ; in all which cases the party making oath, shall expressly swear to the situation of the persons in whose behalf he makes oath ; and that he is acting for them in good faith.

CHAPTER CLXXVIII.

An ACT allowing an additional number of Justices of the Peace to sundry Counties in this Commonwealth.

Approved January 5, 1815.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That the county of Floyd shall be entitled to two justices of the peace ; the county of Fleming, one other justice of the peace, to reside in the town of Flemingsburg ; the county of Christian, one other justice of the peace ; the county of Butler, one other justice of the peace ; the county of Washington, two other justices of the peace ; the county of Hopkins, one other justice of the peace ; the county of Estill, one other justice of the peace ; and the county of Har-

rison, one other justice of the peace, in addition to the number now allowed by law.

1814.

CHAPTER CLXXIX.

An ACT giving an additional Term to the Hardin and Mason Circuit Courts for the trial of Chancery causes.

Approved January 6, 1815.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That the circuit court of Hardin county may, and shall hold an additional term, to commence on the third Monday in January in every year, and continue (Sundays excepted) until the Saturday next preceding the first Monday in February following, unless the business shall be sooner completed.

Hardin additional term in January.

SEC. 2. *Be it further enacted,* That no grand jury shall be summoned to the said January term; nor shall any pleas of the commonwealth, or any action at common law whatever, be tried; but the said term shall be, and is hereby exclusively appropriated to the trial of causes and matters in chancery.

Exclusively for chancery.

SEC. 3. *Be it further enacted,* That all decrees and orders, whether interlocutory or final, made at the said January term, shall be as valid as made at any other term of said court; and that all process in chancery which may now be sued out and made returnable to any term of said court, on any day of such term, may be sued out and made returnable to the said January term, or to any day thereof.

Decrees, &c. to be valid & process legal.

SEC. 4. *And be it further enacted,* That the circuit court of Mason county may, and shall hold an additional term, to commence on the second Monday in February, 1815, and every year thereafter; and continue to sit twelve days each term, (Sundays excepted) if the business before them so requires; but no longer.

Mason term.

SEC. 5. *Be it further enacted,* That no grand jury shall be summoned to said February term, but [it] shall be exclusively devoted to cases in chancery; any law to the contrary notwithstanding.

Chancery business only.

SEC. 6. *Be it further enacted,* That all decrees and orders, whether interlocutory or final, made at the said February term, shall be as valid as if made at any other

Decrees and orders valid.

1814.

term of said court ; and that all process in chancery which may now be sued out, and made returnable to any term of said court, on any day of such term may be sued out, and made returnable to the said February term, or to any day thereof.

CHAPTER CLXXX.

An ACT to amend the act to ascertain the boundaries of, and for processioning Lands.

Approved January 7, 1815.

The act referred to in the second section, will be found in Vol. V, page 554.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall and may be lawful for the county courts in this commonwealth, upon the application of any person claiming lands within the bounds of such county, to appoint three fit persons as commissioners ; who, or any two of them, are hereby vested with full power, in conjunction with the surveyor of the county, or his deputy, to go round the land of such applicant, and re-mark the same, taking care that said re-marks are on the old lines : And when they find the corner trees, or any of them, stones or posts removed, defaced or rotted down, so that it is probable it will in some future period, be out of the owner or owners' power to establish the same, the said commissioners and surveyor, shall proceed, by comparing the title papers, and finding the corner trees to be removed, defaced or rotted down, [to] re-survey and make new corner trees, or place stones or posts ; or where any one is not to be found, add one or more, as to them may seem right, as near as may be, to where the old corners, posts or stones stood ; which said re-survey and plat shall be returned to the clerk's office of the county within thirty days, and the clerk shall record it in a separate book to be provided for that purpose ; and he shall also note the difference in the new corners which may be made, and the length of the lines from the original calls of the patent, survey or deed.

SEC. 2. The commissioners aforesaid shall also be vested with power and authority to take depositions,

County court
to appoint
comm'rs.

Their powers
and duty.

Report to be
recorded.

Comm'rs. to

under the rules and regulations prescribed in the act for processioning lands, approved December the nineteenth, one thousand seven hundred and ninety-six; and such depositions, so taken, and plats so as aforesaid returned, shall be considered as *prima facie* evidence, as far as they relate to boundaries of lands, site of improvements, or any special place called for in any entry, survey or patent; but subject to examination or disproof, in any court of law or equity: *Provided*, where depositions may be taken by either party, the party taking the same, shall pay the costs incurred thereby.

1814.

take depositions.

Sec. 3. *Be it further enacted*, That it shall, and may be lawful, for any two or more persons having land adjoining each other, to apply, by themselves or attorneys, to the county courts of the county where the land lies, for commissioners as aforesaid, and have the same resurveyed, and re-marked, by some proper person; who may, by consent of parties, make new corners, set up stones, or posts, and make out connected plats, in which the alterations in the corners, or length of lines, shall be noted; and all such plats, and a description of such new corners, made by consent of parties, shall be returned by the surveyor to the clerk's office, and be recorded by him in his record book, as aforesaid; and in all contests as to boundaries, said plats and surveys shall be considered as conclusive evidence between the aforesaid parties, and all persons claiming through or under such parties: *Provided*, in all cases where fraud or misrepresentation shall be made, any person aggrieved thereby, shall be entitled to relief in a court of equity: *Provided also*, that in surveys made as above, in this section, no person shall be affected thereby, unless they certify their consent on said plat, or connected plat.

Lines established by consent.

To be recorded.

To be evidence between the parties.

Provido.

Sec. 4. All depositions taken by virtue of this act, shall be returned, and recorded in the clerk's office of the county, in a separate book, to be provided by the clerk for that purpose, which shall be regularly alphabetted; for which he shall be entitled to the same fee as is at present allowed for copies of records. And the surveyor of the county shall be entitled to two dollars per day for each day he shall be actually engaged on the ground, and twenty-five cents for each plat, or connected plats; and the commissioners shall be entitled

Depositions to be recorded.

Clerks & surveyors' fee.

Commissioners' pay.

1814. to one dollar per day, to be paid by the persons employing them.

To allow for
the variation
of the com-
pass.
May receive
testimony.

Sec. 5. The commissioners and surveyor, in establishing the lines or corner trees aforesaid, may allow for the variation of the compass; and shall receive all legal testimony which may be produced, as to the particular place where any of the corners stood; but the depositions taken by virtue of this act, shall not affect the interest of any person other than those who have had legal notice of the time and place of taking the same, or are present and consent thereto.

Former law
not repealed.

County court
may appoint
procession-
ers.

Sec. 6. That nothing in this act shall be so construed as to repeal so much of the law as directs the county courts to lay off their counties into districts and appoint standing commissioners for the processioning of lands; and the said courts are hereby authorised to make re-appointments in cases of death, removal or refusal to act, of any of the processioners, at any time when they may deem it expedient; but said processioners shall be governed by the regulations contained in this act; any thing to the contrary notwithstanding.

Applicant to
give notice.

Sec. 7. *Be it further enacted*, That the proprietor of land wishing to take the benefit of this act, shall give notice by a publication of three weeks in some authorised newspaper of this state, nearest the place of taking depositions, of the time and place of taking such depositions, and shall give a description of the land, by inserting in whose name it was entered, surveyed and patented; and which advertisement shall be considered as notice to all persons having claims adjoining or interfering.

Printer to
make affida-
vit.

Sec. 8. *Be it further enacted*, That the printer of such notice shall make affidavit of such publication, before a justice of the peace of his county; which said affidavit, together with a copy of the publication, shall be presented to the commissioners on the day appointed for taking depositions; and shall be by them returned to the clerk's office aforesaid, together with the other papers, and shall constitute a part of the record.

Comm'rs. of
either county
may act.

Sec. 9. Where any person having a survey lying in two or more counties, the processioners of either county may act.

Repealing
clause.

Sec. 10. All acts, or parts of acts, coming within the purview of this act, are hereby repealed.

CHAPTER CLXXXI.

1814.

An ACT for the relief of Susannah Lancaster.

Approved January 10, 1815.

The act remitted the price due on a small tract of land.

CHAPTER CLXXXII.

An ACT to improve the navigation of the Red-Bird fork of Kentucky River, and certain other navigable streams.

Approved January 10, 1815.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky, That Henry Clark, John Gilbert and John Murphy, of Clay county, are appointed commissioners to open and keep in repair the navigation of the Red-Bird fork of the Kentucky river, from John Gilbert's to its mouth; and they are hereby empowered to raise by subscription, the sum of two thousand dollars, either in money, property or labor, for the purpose aforesaid. And the commissioners, or a majority of them, are hereby authorised to cause all obstructions to the navigation of said stream to be removed, and to cut down all timber projecting over said stream, shrub all points of islands, remove all fish-dams, rocks or logs. And the commissioners, or a majority of them, as soon as they shall raise a sufficient sum for the purpose aforesaid, may proceed to employ hands, and superintend the clearing out of said stream, agreeably to the provisions of this act: Provided, however, that said commissioners, before they proceed to clear out said stream, shall, in the county court of Clay, enter into bond with security, to be approved of by said court, in the sum of four thousand dollars, conditioned to appropriate the money, property and labor, to removing the obstructions in said stream in pursuance of the directions of this act. And the said commissioners shall receive compensation for their services in proportion to the time they or either of them may serve, out of the subscription to be raised by this act, not exceeding one dollar for each day which they shall actually serve in clearing out said stream.*

Comm'rs. appointed.
Their powers
Proviso.

1814.
Penalty.

How recoverable.

Com'rs. may bring suits.

Nelson county court to appoint commissioners to remove obstructions.

Also Washington, Hardin, Bullitt & Shelby.

Sec. 2. *And be it further enacted*, That from and after the passage of this act, any person erecting or causing to be erected any fish-dams, bridges or other obstructions to the passage of boats up or down said stream, shall, for every such offence, forfeit and pay twenty dollars for every twenty-four hours such obstruction shall remain therein, recoverable before any justice of the peace.

Sec. 3. *Be it further enacted*, That the commissioners under this act shall be authorised to institute suits before the competent tribunals, to recover the subscriptions under this act.

Sec. 4. *Be it further enacted*, That the county court of Nelson county, may, at any term of that court, appoint any number of fit persons at their discretion, who, and each of whom respectively, shall, when so appointed, have power and authority to prostrate and remove all fish-dams and other illegal obstructions to the navigation of Salt river, and the Beech and Rolling forks of said river, which may be found in the channels thereof within the jurisdiction of said county. And the county courts of Washington, Hardin, Bullitt and Shelby counties, may in like manner appoint fit persons, who when appointed shall have the like authority to remove obstructions to the navigation of the aforesaid streams, within the jurisdiction of the said counties respectively. And each of the persons to be appointed under this act, may associate with himself such other persons as he may choose, to assist him in the effectuation of the objects thereof; who, and each of whom, shall be and remain irresponsible to the owners of, or persons interested in any fish-dam or other illegal obstruction which they may prostrate or remove.

CHAPTER CLXXXIII.

An ACT for the better regulation of the Town of Harrodsburg.

Approved January 10, 1815.

WHEREAS it is represented to the present general assembly, that there has been no special law passed heretofore, for the regulation of the town of Harrods-

burg, and that it is necessary some law should be passed for that purpose: Therefore,

1814.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the free male inhabitants of said town, respectively, who shall possess the qualifications hereinafter mentioned, are hereby authorised and required to meet at the court-house in said town, on the first Saturday in April 1815, and on the same day in every year thereafter, and shall elect thirteen trustees for said town; which trustees so elected, or a majority thereof, shall be sufficient to form a board, and shall be authorised to make any by-laws for the government and regulation of said town, as to them may seem right, not inconsistent with the constitution and laws of this commonwealth.

Trustees to be elected.

Their powers

Sec. 2. *Be it further enacted,* That the said trustees, or a majority of them, shall have full power and authority to impose a tax, annually, on the persons and property, both real and personal, within the limits of said town, not exceeding three hundred dollars per year, as to them shall seem right, for the purpose of digging a public well, for keeping in repair the public springs, streets and other works of public utility in said town, or for any other purposes which the said trustees, or a majority of them, shall think proper, for the benefit of said town.

May impose taxes.

Sec. 3. *Be it further enacted,* That the said trustees shall appoint their clerk, and any other officers they may think proper; and the said trustees shall have full power, or a majority of them, to inflict a fine, not exceeding ten dollars, for every breach of their by-laws, to be sued for and recovered in their name, before any justice of the peace, and applied to the use of said town.

Shall appoint a clerk and other officers

Sec. 4. *Be it further enacted,* That no person shall be elected a trustee of said town, or qualified to act as such, unless he reside within the limits of said town, and above the age of twenty-one years.

Qualifications.

Sec. 5. *Be it further enacted,* That no person shall be qualified to vote at the general election for trustees for said town, unless they reside in said town, or own real property therein, and above the age of eighteen years.

Who may vote for trustees.

Sec. 6. *Be it further enacted,* That the board of trustees for said town may, at any time they may think proper, appoint some fit person, who shall reside in said

Commissioner--his duty and pay.

1814.

town, as a commissioner, for the purpose of obtaining, in such manner as the board may think proper, a list of all such persons and property as may be subject to taxation by this act, in said town; whose duty it shall be to proceed to obtain such list, and shall return the same to the said board, in such time and in such manner as the said board shall direct, for the purpose of enabling said trustees to apportion the tax on said town. The said commissioner shall be allowed such sum per day as the trustees may deem right, to be paid out of the money to be collected as taxes.

Collector—
his duty and
pay.

Sec. 7. *Be it further enacted*, That after the said trustees have laid and apportioned the taxes under this act, they shall appoint a collector thereof, whose duty it shall be to collect and account for the same to the trustees, within six months after he shall have been furnished with a list of said taxes; and if any person shall fail or refuse to pay the same, the said collector shall make distress and sale of any personal property, in the same manner as collectors of the revenue are directed to do; and the said collector shall pay the money so collected to the trustees of said town. And the said collector shall be allowed six per centum on all monies which he shall have to distrain for, and such compensation for the collection of other taxes as the said trustees may think proper, to be paid out of said taxes.

To give bond

Oath.

Sec. 8. *Be it further enacted*, That the collector shall give bond with security to the said trustees, for the due performance of his office; and shall also take the following oath, to wit: "I do solemnly swear (or affirm, as the case may be) that I will faithfully and truly collect all taxes put into my hands for collection by the trustees for the town of which I am appointed collector, within my power; and I will pay all money so collected, to said trustees, according to law: So help me God." Which said oath either of the trustees are authorised to administer.

How proceed
ed against.

Sec. 9. *Be it further enacted*, That in case the said collector shall fail to pay the money collected by him to the trustees as aforesaid, they may, upon giving him ten days' previous notice in writing, recover judgment against the said collector and his security, in the county court.

Sec. 10. In case a vacancy shall happen in the said board of trustees, by death, resignation or otherwise, at any time, the remaining trustees, or a majority of them, shall meet at the court-house in said town, as soon as convenient, and fill such vacancy; which said trustee or trustees so appointed, shall possess the same power and qualifications as those elected at any general election, and they shall continue in office until the next general election for trustees.

1814.

Vacancy of trustees, how filled.

Sec. 11. That said trustees, after they are elected, shall meet at the court-house in said town, on the first Saturday in February, May, August and November, annually, and at such other times as they may think proper in every year, as the internal policy of said town may require; and the trustees elected in pursuance of this act, shall continue in office for and during the term of one year from the time of their election, and until others are elected in their stead.

Times of meeting.

Term of office.

Sec. 12. The said trustees may make, annually, such allowance to their clerk as they may think proper, to be paid out of any money collected agreeable to this act.

Clerk's pay.

Sec. 13. That the said clerk shall take an oath, before he enters upon the duties of his office, to carefully keep and preserve the books and all papers confided to him by the trustees, and to make true and correct entries of all by-laws passed by said trustees; which said oath shall be administered by the chairman of the board.

Oath.

Sec. 14. That said trustees shall severally take an oath, before they enter upon the duties enjoined upon them as trustees; which shall be administered by some justice of the peace, and recorded by the clerk of said trustees.

Oath of trustees.

Sec. 15. In case the general election for trustees should, from any cause whatever, not take place on the first Saturday in April next, the present trustees for said town shall appoint some other convenient time for the election of trustees; of which time public notice shall be given on the court-house door.

Sec. 16. A majority of said trustees shall have power to inflict a fine not exceeding two dollars, upon any of the trustees failing to attend any stated meeting of the board, without a sufficient excuse.

Trustees fined.

Sec. 17. *Be it further enacted*, That when any person or persons, holding real property in said town, do not

Taxes of non-residents,

1814. how collect-
ed. reside therein, it shall and may be lawful for the town collector to levy upon the goods and chattels of the tenant in possession, for the amount of tax due; or in case there should be no tenant or occupier of said estate, it shall be lawful for the said town collector to make out and place his tax bill in the hands of the sheriff of the county wherein the owner of the said lots or houses may reside, who shall receive and collect the same, under the same rules and regulations, fines and forfeitures, as the said collector is liable to.

CHAPTER CLXXXIV.

An ACT to authorise the Trustees of Bardstown, Shelbyville and Lancaster, to cause the Streets of said Towns to be paved.

Approved January 10, 1815.

Owners of
lots to pay
in front.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That the trustees of the town of Bardstown, shall have power, under such rules and regulations as they may adopt, to compel the owners of lots and parts of lots in said town, to pave in front of their respective lots or parts of lots, as far as the middle of the street; and in case the said owners, or any of them, fail or refuse so to do, the trustees of said town shall cause the same to be done at the expence of said owners of lots; which expence shall be levied on and recovered from the person or persons so failing and refusing, in like manner as other monies may or can now by law be levied and collected from the inhabitants of said town for any other purposes.

Trustees may
compel the
street to be
paved upon
petition of
the owners
of lots.

SEC. 2. *Be it further enacted,* That whenever the owners of three-fourths of the ground on any of the said streets of Bardstown, or any square of any one street, shall petition the trustees aforesaid to have the same paved, that they shall have the power to compel the pavement thereof, in such way as is above prescribed.

Trustees of
Lancaster
may levy a
tax.

SEC. 3. *And be it further enacted,* That the trustees of the town of Lancaster, in the county of Garrard, be, and they are hereby authorised to levy upon the real property and improvements thereof, of the said town, any sum of money not exceeding three hundred dollars, to be collected as heretofore, and applied towards keeping in repair the streets and alleys of said town.

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Sec. 4. *Be it further enacted*, That for the purpose of 1814.
enabling the trustees of the town of Shelbyville, to pave, ^{Trustees of}
or cause their streets to be paved, the same powers here- ^{Shelbyville}
by granted to the trustees of the town of Bardstown, may pave the
shall be, and is hereby granted to the trustees of the streets
town of Shelbyville.

CHAPTER CLXXXV.

*An ACT concerning the Election of Members of the House
of Representatives.*

Approved January 10, 1815.

*BE it enacted by the General Assembly of the Common-
wealth of Kentucky*, That if any member of the house of
representatives shall, during the recess of the legisla-
ture, resign his seat therein, and announce his resigna-
tion to the governor, the governor is hereby authorised
and empowered, upon receiving such resignation during
said recess, to issue a writ of election to fill the vacancy
occasioned by such resignation.

CHAPTER CLXXXVI.

An ACT to erect Election Precincts in the County of Floyd.

Approved January 10, 1815.

SEC. 1. *BE it enacted by the General Assembly of the
Commonwealth of Kentucky*, That all that part of Floyd
county, within the following bounds, to wit: Beginning
at the mouth of the Tugg fork of Big Sandy river; ^{George's}
thence up said fork to the mouth of Rockcastle creek; ^{creek pre-}
thence up said creek to the Grassy fork of said creek; ^{cinct.}
thence a straight line to the mouth of Tom's creek, on
the Levica fork of Sandy; thence up said creek to the
road leading to Little Sandy salt-works; thence with
said road to Greenup line, so as to include all the inhab-
itants on Blain creek within the bounds of Floyd;
thence with the Greenup and Floyd line to the begin-
ning, shall be one election precinct; and the place of
holding election in said precinct, shall be at the house of
Michael Auxer, at the mouth of George's creek, and
shall be known by the name of George's creek precinct.

1814.
 {
 Licking pre-
 cinct.

Sec. 2. *Be it further enacted*, That all that part of Floyd county, within the following bounds, to wit: Beginning where the state road crosses Blackwater creek, on the county line of Floyd; thence with the said county line, crossing Licking river, to the dividing ridge between Little Sandy and Licking rivers; thence with the said ridge to the Burning Spring fork of Licking; thence south to the county line of Floyd; thence with said line to the beginning, shall be one election precinct; and the place of holding election in said precinct shall be at the house where John Hammons now lives, and shall be known by the name of the Licking precinct.

Judges and
 clerks to be
 appointed.

Sec. 3. *And be it further enacted*, That the principal or deputy sheriffs of Floyd, shall superintend said elections hereafter to be held in said precincts; and said county court of said county shall appoint clerks and judges to attend elections in said precincts, in like manner as the law directs in similar cases; and in failure of the court aforesaid to make such appointment, the sheriff shall fill such vacancies. The said judges and clerks shall be allowed the same for their services, to be paid in like manner as is directed by law in similar cases.

Their pay.

Sheriffs to
 compare the
 polls—when
 and where.

Sec. 4. *And be it further enacted*, That the sheriffs attending election at the court-house and precincts aforesaid, shall meet at the court-house on the Friday after each election, and shall then and there compare the polls of the candidates, and give certificates as the law directs, to the person or persons elected.

CHAPTER CLXXXVII.

An ACT to exempt the Citizens of Greenup County from paying Toll or Ferriage in crossing the mouth of Little Sandy River, upon certain occasions.

Approved January 20, 1818.

CHAPTER CLXXXVIII.

1814.

An ACT for erecting a new County out of the Counties of Warren and Barren.

Approved January 11, 1815.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That from and after the first day of April next, all that part of the counties of Warren and Barren, included within the following bounds, to wit: Beginning on Big Barren river, in Warren county, two miles above the mouth of Bay's fork; thence a straight line to the mouth of the Sulphur fork of Bay's fork; thence a straight line (leaving Henry Hill's plantation in Warren) to a stake on the Warren and Logan line, four miles from where the same reaches the line now called the Tennessee state line; then with the line between Warren and Logan, to the real state line between Kentucky and Tennessee; then with the said state line east, passing where the present line between Warren and Barren strikes the said state line, to where the road leading from Glasgow to Sylvester Hall's ferry crosses said line; thence with said road to Big Barren river; thence down the river to the beginning, shall be one distinct county, called and known by the name of ALLEN.

Boundary of Allen county.

SEC. 2. *Be it further enacted,* That after the said first day of April, the courts of said county shall be held on the second Monday in each month, except the months in which circuit courts may be held in said county, which circuit courts shall be held on the second Mondays in February and October, and on the third Monday in May in each and every year, and may continue to sit six days each term, if the business shall require it.

County court days.

Circuit court days.

SEC. 3. The justices of the peace for said county of Allen, shall meet at the house of Willis Mitchell, sen. on the second Monday in April next; and after taking the oaths required by the constitution of the United States, and by the constitution and laws of this state, and after the sheriff of said county shall qualify according to law, shall proceed to appoint and qualify a clerk to the said court, agreeable to law. Which several oaths hereby required, may be administered by either of the justices in the commission of the peace to one of

Justices to meet at Willis Mitchell's —take oaths, qualify a sheriff and clerk, &c.

1814.

them, and he may administer the oaths to the rest of the court.

Sheriffs of
Barren and
Warren to
collect dues
in the bounds
of Allen.

Sec. 4. *Be it further enacted*, That it shall be lawful for the sheriffs of Barren and Warren to collect all officers' fees, revenue taxes, county taxes, fines, forfeitures and executions which may remain in their hands uncollected, at the time the said county takes effect, in that part taken from their respective counties, in the same manner as if the said county of Allen had not taken place.

Jurisdiction
of Barren &
Warren.

Sec. 5. The courts of Warren and Barren shall continue to have jurisdiction in matters of law or equity, that may be depending before them on the first Monday in April next.

How seat of
justice to be
fixed.

Sec. 6. *Be it further enacted*, That the justices of the peace, and the two assistant judges for said county, shall meet at the said Willis Mitchell's, sen. on the first Monday in June next; and a majority of all the said justices and judges being present, they shall then proceed to fix the permanent seat of justice for said county of Allen, having due regard to eligibility, and to the centre of the county; which they shall do within ten days thereafter, at most. And so soon as the courthouse and jail shall be built at the place so fixed on, the county court shall certify the same to the circuit court, and the circuit and county courts shall thereafter hold their respective courts at the place so fixed on for the permanent seat of justice.

Majority of
all the just-
ices to concur
in a clerk.

Sec. 7. *Be it further enacted*, That in the appointment of a clerk to the county court of Allen, it shall be necessary for a majority of all the justices of the peace in commission, in and for said county, to concur in said appointment.

Allen added
to the 8th ju-
dicial district.

Sec. 8. *Be it further enacted*, That the said county of Allen shall be added to, and compose a part of the 8th judicial district; and the circuit judge assigned to said district, shall sit and preside in the circuit courts of said county, as in circuit courts of other counties.

Where elec-
tions to be
held.

Sec. 9. *Be it further enacted*, That the elections for representatives to congress and the state legislature, shall be held as heretofore, at the house of Willis Mitchell, sen.; that part of said county taken from Warren, still forming an election precinct to the county of Warren, under the same rules and regulations hereto-

fore in force; and that part of said county of Allen, 1814.
taken from Barren, shall continue to vote as heretofore,
until otherwise directed by law.

Sec. 10. *Be it further enacted,* That the circuit and county courts for said county, shall be held at Willis Mitchell's, sen. until the provisions of the sixth section of this act are complied with. Where courts
to be held.

Sec. 11. *Be it further enacted,* That the judges and justices who by this act are to fix the permanent seat of justice for said county of Allen, shall not put it upon the land of any person, unless such person or persons will convey, for a fair price, to the said county court justices, at least one hundred acres of land, to be laid off in a town; one or two acres thereof shall be appropriated for the public square, and the balance to be sold and disposed of under the direction and management of five trustees, to be appointed by the county court, and the proceeds to be applied to the erecting of a court-house and jail for said county. Restrictions
& regulations
respecting
the seat of
justice.

Sec. 12. The county of Allen shall have jurisdiction to the present marked line, commonly called Walker's line, between the state of Kentucky and Tennessee, until the real line between said states shall be ascertained by law; after which it shall have jurisdiction to said line so ascertained to be the real line between said states. Territorial je
risdiction of
Allen.

CHAPTER CLXXXIX.

An ACT for the benefit of John D. Williams.

Approved January 14, 1815.

He was a cripple, on which account the act remitted him the state price due on 200 acres of land.

CHAPTER CXC.

An ACT for the erection of a new County out of the County of Ohio.

Approved January 14, 1815.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That from and after the first day of June next, all that part of the county of Ohio

1814.

Boundary of
Davies county.

included within the following bounds, to wit: Beginning at the mouth of Blackford's creek; thence up the same to the mouth of the Horse fork; thence up the same, so as to include Joseph Wright; thence to the upper end of the Crane pond, on Panther creek; thence a straight line to the head of Buck creek, so as to include Baxter Davis, crossing the Hammond ferry road at the forks of the said road and the Yellow Bank road, and down the same to Green river; thence down Green river to the Henderson county line; thence with said line to the Ohio river; thence up the same to the beginning; shall be one distinct county, and called and known by the name of DAVIESS. A court for the said county shall be held by the justices thereof, on the second Monday in every month in which the circuit courts are not hereafter directed to be held.

Justices to
meet at John
Leaman's, &
qualify sher-
iff and ap-
point clerk.

Sec. 2. *Be it further enacted*, That the justices named in the commissions of the peace for said county of Daviess, shall meet at the house of John Leaman, in the said county of Daviess, on the first court day after the said division shall take place; and having taken the oaths prescribed by law, and a sheriff being legally qualified to act, the justices of the county court shall proceed to appoint and qualify a clerk.

Comm'rs ap-
pointed to fix
seat of justice
& regulations
relative there
to.

Sec. 3. *Be it further enacted*, That Benjamin Fields, John Daviess, David Glenn, sen. John M'Farlan, Edward Hayden and John Leaman, of the said county of Daviess, be, and they are hereby appointed commissioners, to fix on a place for the permanent seat of justice in the said county of Daviess; who shall meet at the time and place appointed for the first meeting of said justices, or as soon thereafter as the said commissioners can; and each having taken an oath before some justice of the peace, to discharge the duties of a commissioner, in fixing on a seat of justice for the county of Daviess, without favor, affection, partiality or prejudice, according to the best of his skill and ability, they, or a majority of them, shall proceed to fix on a place for the permanent seat of justice for said county, having due regard to public convenience, of water, and situation, as it respects the capacity of the land in said county for sustaining present and future population; and having ascertained the place aforesaid, they shall certify, under their hands, the same to the county court.

And the said commissioners, for their services, shall be allowed each two dollars per day, for every day they shall necessarily be employed in performing their said duties, to be levied and paid out of the first county levy. And thenceforth the said county court shall cause to be erected at such place the necessary public buildings; and until such buildings are erected, shall hold their several courts in the most convenient house to said place. Each court shall appoint its own clerk, a majority concurring therein; but a majority of those present on any court day, may appoint a clerk *pro tempore*.

Sec. 4. *Be it further enacted*, That the circuit court for the county of Daviess, shall be held annually on the second Monday in the months of April, July and October.

Sec. 5. *And be it further enacted*, That it shall be lawful for the sheriff of the county of Ohio, to collect and make distress for any public dues, and officers' fees, which shall remain unpaid by the inhabitants of the said county of Daviess, at the time such division shall take place; and shall account for the same in the same manner as if this act had not been passed. And the courts of the county of Ohio shall have jurisdiction of all actions and suits, either in law or equity, which shall be depending before them at the time of such division; and shall try and determine the same, issue process and award execution thereon.

Sec. 6. *Be it further enacted*, That the citizens of the said county of Daviess, shall vote for members to serve in the general assembly, as joined with and making a part of the county of Ohio, in the same manner as heretofore, until the next apportionment of the ratio of representation by the legislature of this commonwealth, except that the sheriff of said county shall meet the sheriff of the county of Ohio, on the first Friday after the election shall have closed, at the court-house in Ohio county, and shall compare the polls, and declare the election accordingly.

Sec. 7. *And be it further enacted*, That it shall be the duty of the circuit judge belonging to the said district, to attend and preside in the circuit courts of the said county.

1814.

Commissioners' allowance.

Public buildings to be erected.

Each court may appoint clerk.

Clerk may be appointed pro tem.

When circuit court to be held.

Sheriff of Ohio to collect public dues, and officers' fees, within the bounds of Daviess; how long. Ohio courts to have jurisdiction—how far, &c.

Respecting voting for representatives and sheriff's duty.

Circuit judge of the district to preside in said county.

1814.

CHAPTER CXCI.

An ACT adding a part of Clay County to Estill County.

Approved January 14, 1815.

Preamble.

WHEREAS it is represented to the general assembly, that some of the good citizens of Clay county labor under great inconveniences in attending at their present seat of justice, owing to the distance and badness of the road which they have to travel; and that it is a much nearer and better way to Estill court-house: For remedy whereof,

Boundary added to Estill.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That from and after the first day of May next, all that part of Clay county aforesaid, comprised within the following bounds, shall be added to, and considered as part of Estill county, to wit: Beginning where the Clay county line crosses the road leading from Station Camp creek to Manchester; thence to the Kentucky river, one half mile below the mouth of Meadowcreek; thence a course of said creek to the head, leaving the creek, and the waters thereof, in the county of Clay; thence to the mouth of the upper Twin creek; thence a direct line to the mouth of War creek, on the north fork of Kentucky river; thence down the said north fork, and with the line of Estill county, to the beginning.

Sheriff of Clay to collect dues.

Sec. 2. *Be it further enacted,* That the sheriff of the said county of Clay may lawfully collect and distrain for all public dues and officers' fees, from the inhabitants residing in the before mentioned bounds, which is now due, or may become due before the first day of May next.

Suits to be finished in Clay.

Sec. 3. *And be it further enacted,* That all suits that now exist, or may be brought to the next circuit court of Clay, in the before mentioned bounds, shall be decided in said court; and all executions in the hands of the sheriff of Clay county, or may be put in his hands for collection, for any suit now pending, or brought to the next circuit court, shall be collected and accounted for, in the same way as if this act had not passed.

CHAPTER CXCI.

1814.

An ACT concerning Commonwealth's Attornies.

Approved January 26, 1815.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That the act passed on the twenty-third day of January, 1813, entitled "an act concerning Commonwealth's Attornies," shall be, and the same is hereby continued in force two years from and after the expiration of the before recited act. Act of 1813 revived.

SEC. 2. *And be it further enacted,* That if the district attorney shall fail to attend to any circuit court in his district, from sickness or any other good cause, the attorney *pro tem.* appointed by the court to prosecute agreeably to the third section of the before recited act, shall not be allowed for his services more than fifteen dollars at each term he may so prosecute: *Provided,* that in all presentments of a grand jury, where the same shall be quashed or dismissed, there shall be no attorney's fee allowed on such presentments. Allowance to attornies pro tem. No fee to be taxed where acquittal and dismissal happens.

CHAPTER CXCI.

An ACT authorising the sale of Seminary Lands, and the investiture of the proceeds in Bank Stock.

Approved January 26, 1815.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That the trustees of the seminaries in the several counties of this commonwealth may, and they are hereby authorised to sell and convey to the respective purchasers thereof, all the lands with which they have been respectively endowed by the legislature of Kentucky. Trustees of seminaries authorised to sell their lands.

SEC. 2. *Be it further enacted,* That the monies arising from the sales of the said land, shall, by the said trustees, be vested in stock in the Bank of Kentucky; which stock, when purchased, shall belong to the seminaries respectively, by whose monies it was procured; the dividend and proceeds of which stock, may, from time to time be applied by the trustees of the seminary to which it belongs, to the procurement of more stock until the annual proceeds or dividend thereof, shall Proceeds of the sales vested in bank stock.

1814.

Proviso.

amount to one thousand dollars : *Provided, however,* That where the majority of the trustees of any seminary, shall desire to erect the necessary buildings for the use and benefit of their seminary, it shall and may be lawful for said trustees to apply one fourth of the proceeds of the sale of their lands towards the erection of said building.

Dividend—
how applied.

Sec. 3. *Be it further enacted,* That when the stock of each seminary shall produce annually a dividend amounting to the aforesaid sum of one thousand dollars, the trustees thereof, may, instead of accumulating stock by the application of the dividend thereto, apply the said dividend to the uses of the said seminary, or to the still further increase of stock, as their discretion and the state of the institution shall dictate.

Compensa-
tion to trus-
tees.

Sec. 4. *Be it further enacted,* That the trustees of the aforesaid seminaries shall be allowed respectively, six per cent. upon the money for which they shall have sold the lands aforesaid, for their trouble in selling the said lands and purchasing the bank stock as aforesaid; which six per cent. they may respectively retain out of any dividends of said stock.

To make out
report.

Sec. 5. *Be it further enacted,* That the trustees of each seminary, when they shall have sold the lands thereof, and vested the proceeds as aforesaid, in bank stock, shall make out a report in writing of the quantity of land sold, of the price for which it was sold, of the person or persons to whom it was sold, of the county in which, and the water course upon which it laid, of the number of shares of bank stock purchased; which said report shall be lodged with the clerk of the county court, and carefully filed away and preserved by him, subject to the inspection of those whose interest or duty it may be to be informed of its contents.

To be recor-
ded.Donations to
the counties
of Allen and
Daviess.

Sec. 6. *Be it further enacted,* That the justices of the county courts of Allen and Daviess counties, be, and they are hereby authorised to appropriate six thousand acres of land for the benefit of a seminary of learning, in each of their respective counties; subject, however, to the same laws and regulations now in force respecting the appropriation of seminary lands: And that they have two years allowed them from the passage of this act, for the appropriation of the same.

CHAPTER CXCIV.

1814.

An ACT to amend an act entitled "an act to encourage the manufacturing of Salt in this Commonwealth," passed February 2d, 1813.

Approved January 26, 1815.

The act referred to in the title, will be found in this Vol page 54.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That any person who may cause any land to be surveyed under the provisions of the before recited act, shall present said survey, so made out by the surveyor, according to the provisions of said act, to the auditor of public accounts; who shall thereupon certify to the treasurer the amount due for said land; whose duty it shall be to receive the amount so certified; which receipt obtained from the treasurer, shall be delivered to the auditor; who shall issue a quietus to the person applying, as in other cases; which quietus, together with the plat and certificate, shall be delivered to the register of the land office, who shall issue a patent therefor, as in other cases.

Survey to be presented to the auditor.

Who shall certify the amount due to the treasurer.

Who shall receive the same.

Register to issue grant.

SEC. 2. *Be it further enacted,* That the money arising from the sales of lands under this act, shall be applied towards the purchase of stock in the bank of Kentucky.

Money to be applied to the purchase of bank stock.

SEC. 3. *Be it further enacted.* That the surveys authorized to be made by said act of February the second, one thousand eight hundred and thirteen, may be made in such form, so that in length they shall not exceed twice their breadth, any law to the contrary notwithstanding.

Form of survey.

CHAPTER CXCV.

An ACT for the relief of William M'Bryers, late Sheriff of Franklin County.

Approved January 26, 1815.

It gave him credit for a delinquent list.

1814.

CHAPTER CXCVI.

An ACT for the better regulation of certain Towns in this Commonwealth.

Approved January 10, 1815.

Preamble.

WHEREAS it is represented to the present general assembly of the commonwealth of Kentucky, that several of the trustees of the town of Stanford have resigned, and others have removed, which circumstances render it impracticable to form a board of trustees: For remedy whereof,

Trustees appointed, and regulations respecting successors.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That James Davidson, Francis S. Reed, Thomas Helm, Michael Davidson and Benjamin Monroe, gentlemen, are hereby appointed trustees of said town of Stanford, to continue in office until the first Monday in February, in the year 1816, at which time the free white male inhabitants of said town, above the age of twenty-one years, shall meet at the court-house in the town of Stanford, and at the same time and place in every year thereafter, and elect five trustees for the said town from among the citizens residing in said town, a majority of whom shall be sufficient to constitute a board: *Provided, however,* that the trustees appointed by this act, or those who shall be elected in conformity to its provisions, shall in no case by operation of this law, vacate their offices until their successors shall be duly elected in the manner provided by this act.

Notice of, & who to conduct elections.

Sec. 2. *And be it further enacted,* That the trustees by this act appointed, and their successors, shall give ten days notice by advertisement, at the door of the court-house, of the time and place of holding their annual elections, and that two of their number shall attend and conduct the elections, being designated by said board for that purpose.

Trustees to take oath.

Sec. 3. *And be it further enacted,* That the trustees appointed by this act and their successors in office, shall before they proceed to act as such, severally take an oath, to be administered by some justice of the peace, faithfully to discharge the duties of such office, without partiality, favor or affection.

Their first meeting shall be at the court-house in said town, on the third Monday in February next: *Provided, however,* that if a majority of them should not attend at the time and place aforesaid, they may nevertheless hold their first meeting at such other time and place as they may think fit.

1814:

First meeting

The said trustees, or a majority of them, at their first meeting shall appoint a clerk, to hold his office during the pleasure of said board of trustees; but for good cause may be removed at any time, and another chosen. The clerk, before he enters on the duties of his office, shall take an oath, to be administered by either of the trustees, that he will, to the best of his skill and ability, make true entries of all the proceedings of said board of trustees; and that he will safely keep the books and papers given him in charge, and shall moreover acknowledge himself to be responsible to said board of trustees, and their successors, for any neglect or malfeasance in office; and an entry thereof, shall be made on the journals of said board; and the said clerk is hereby authorised to administer an oath to any person who may come before said board to give testimony.

Clerk to be appointed & sworn—his duty, &c.

Sec. 4. The said board after being organised, may hold their meetings at such times and places as they may think proper, and shall have full power to make such by-laws for the regulation and government of said town, as they may deem necessary, not inconsistent with the constitution or laws of this commonwealth.

Respecting the place of meeting, to make by-laws &c.

Sec. 5. The said trustees or a majority of them, and their successors, shall have power to levy and enforce the collection of a tax not exceeding three hundred dollars annually, on the lots in said town, with the improvements thereon; also on all slaves and horses owned and possessed by any person within the limits of said town; and shall apply the said tax to such purposes as they may deem proper for the benefit of said town of Stanford.

Levy tax.

Sec. 6. *And be it further enacted,* That the said board of trustees are hereby authorised to appoint a commissioner to obtain a list of each individual's property both real and personal, subject to taxation by this act, within the town aforesaid; which commissioner, before he enters on the duties of his office, shall take an oath, to be administered by some one of the trustees or their

Comm'rs. to be appointed and regulations relative to taking in lists, and the valuation of property.

1814.



clerk, that he will, to the best of his skill and ability, without favor, affection or partiality, discharge the duties enjoined him; that is, that he will without delay, call on each person whose property may be subject to taxation under this act, and the agents, if any, of those who hold property in said town and do not reside within the same, for a list of his or her property; which list being corrected if necessary, and distinctly read over by the commissioners to the person delivering the same, he or she shall make oath or affirmation, to be administered by said commissioner, to the truth of such list; and the commissioner shall value the real property so listed, with the improvements thereon; and also the personal property taxed by this act, and enter the list so received and sworn to, together with the amount of such valuation, in a book in alphabetical order; and in case of neglect or refusal of any person so called on to give a list as aforesaid, or in case of a person holding property in said town, but residing without the same, and having no agent therein, it shall be lawful for the commissioner to make out a list thereof, from the best information he can procure, and to fix the valuation thereof as aforesaid. And any person properly called on, who shall refuse to give such list, or shall give a false or fraudulent one, shall be fined by said board in any sum not exceeding twenty dollars, to be appropriated to the use of said town. And the said commissioners shall make return of the lists of taxable property to said board of trustees, within three months after his appointment, under the penalty of twenty dollars: *Provided, however,* that any person who may think himself aggrieved by the valuation of said commissioner, may appeal to said board of trustees; who, if they see cause, may reduce or increase such valuation.

Collector to
be appointed
his powers
and duty.

Sec. 7. And the said trustees shall have power to appoint a collector, whose duty it shall be to collect and account for such tax, within three months after a list of the same shall be put into his hands; and if any person shall refuse to pay the tax due from such person, the collector shall have power to seize and sell so much of his or her property as will make the sum due from him or her, as tax; and the collector shall deliver the money so collected, to the clerk of said board of trustees, deducting therefrom, such compensation for his services

as said board shall have agreed to pay him : *Provided*, however, that before the said collector shall enter on the duties of his office, he shall give bond, with approved security, to the board of trustees, in the penalty of six hundred dollars, for the faithful discharge of the duties of his office ; and should he fail to comply with the conditions of said bond, the county court of Lincoln are hereby specially authorised and empowered, on motion of said board, to give judgment and award execution against said collector and his securities, for such sum, or sums, with fifteen per cent. damages on the same, ten days previous notice being given to such delinquent collector, of such motion.

1814.

Sec. 8. The said board of trustees are hereby authorised to lay such fine, not exceeding ten dollars, as they shall deem proper, for a breach of such by-laws, rules and regulations as they may adopt under this act ; and all fines by them imposed, together with such as are pointed out by this act, (the collection of which is not otherwise provided for) shall be sued for in the name of the board of trustees for the town of Stanford, and the money recovered shall be applied to the benefit of said town : *Provided*, that no replevin shall be allowed on any judgment recovered by said board of trustees, for any fine or penalty under this act.

Fines to be assessed for a breach of the by-laws, and regulations for the collection thereof, and how applied.

Sec. 9. The clerk of the board is hereby authorised to issue subpoena or subpoenas, on the application of any person interested, for any witness or witnesses whose testimony may be deemed necessary in any matter of controversy depending before said board ; which subpoena or subpoenas may be directed to any sheriff or constable of the county where such witness may reside, whose duty it shall be to execute and return the same ; and if any witness so summoned shall fail to attend, he or she may be fined by said board, in any sum not exceeding ten dollars, unless good cause shall be shown why he or she did not attend, having been first summoned to show cause ; and if any sheriff or constable who shall receive any such subpoena, shall fail to execute and return the same, he shall be fined by said board in any sum not exceeding ten dollars, unless he can show good cause for such neglect, having been first summoned to show cause.

Duty of the clerk, sheriff & constable.

1814.

Comm'r's. al-
lowance.Majority to
constitute a
board.Vacancies,
how filled.Trustees'
powers.Clerk to call
on the pres-
ent clerk for
books, &c.Trustees to
call on clerks
for any mon-
ies in hand;
how to pro-
ceed if not
paid.Surveyor to
be appointed
his duty.

Sec. 10. The said board are authorised to make such allowance as they may deem proper, to their commis- sioner, collector and clerk, to be paid out of any money to be collected by this act.

Sec. 11. A majority of the whole number of trustees shall, at all times, be a sufficient number to constitute a board and do business.

Sec. 12. If any vacancy shall happen, by death, re- signation or otherwise, in said board, it shall be filled by the trustees for the time being; and the person so appointed shall remain in office until the next annual election of trustees.

Sec. 13. *And be it further enacted,* That the said trus- tees shall have the power of settling and determining all disputes which may arise relative to the boundaries of the lots in said town; and they shall have power to re- move, or cause to be removed, all obstructions and nuis- ances which now exist, or may hereafter be placed in the streets of said town; and they are hereby authoris- ed to execute conveyances for lots in said town hereto- fore sold, but not conveyed to the original purchasers, or their assigns. And it shall be the duty of the clerk of said board of trustees, to call upon the present clerk of the trustees for the town of Stanford, and demand from him all books, papers and records, which may in any manner relate to said board of trustees; whose duty it shall be forthwith to deliver the same to the clerk ap- pointed by this act, taking his receipt therefor, which shall be entered on the records of said board.

Sec. 14. *And be it further enacted,* That the said trus- tees, for the time being, shall have the right at all times to call on their clerk, or any clerk of any former board, for any money in his hands which may have been col- lected for the use of said town, and which may be unap- propriated; and should he fail to pay the same, the county court of Lincoln is hereby authorised to give judgment for the same, with fifteen per cent. damages, on motion in the name of said board against such delin- quent: *Provided,* such clerk shall have ten days' previ- ous notice in writing, of such motion.

Sec. 15. *Be it further enacted,* That the trustees may, if they think proper, appoint, annually, a surveyor of the streets of said town; whose duty it shall be to cause the streets of said town to be kept in repair; who shall

Have power to call to his assistance all the white and black males in said town over fifteen years, to work on said streets six days in each year, if necessary. And every person within the bounds of said town, who shall come within the description above, being required by the surveyor to work on said streets, who shall fail or refuse so to do, shall, unless he shall show good cause for such failure, pay one dollar for each day he shall so fail, to be recovered by the said surveyor, on warrant before some justice of the peace, to be applied to repairing the streets of said town. Any fine or forfeiture imposed or incurred by this act, in relation to infants, apprentices and slaves, shall be paid by the parent, master or guardian.

1814.

Sec. 16. *And be it further enacted*, That the lots lately laid out by Joseph and Thomas Welsh, adjoining said town on the north side thereof, shall, and they are hereby added to said town of Stanford; and the owners of said lots, with the improvements thereon, the persons residing thereon, or who may hereafter reside thereon, with all the property owned and possessed in said addition, shall, in every respect, be subject to and governed by this act, in like manner as if they lived in the present limits of the town of Stanford; and the power of regulating, improving and keeping in repair the said addition, with the streets, &c. is hereby given to the said trustees of said town, to the full extent and degree in which they shall have it over the present town; and the owners of property in said addition shall be entitled to like privileges with those who hold property in the present town; and those residing in said addition shall be entitled to all the privileges given to those residing within the limits of the present town of Stanford by this act: *Provided, however*, that nothing in this section shall be so construed as to invest the title of the lots aforesaid in the trustees of said town; but the legal title shall be, and remain in the said Joseph and Thomas Welsh, with power to sell any of said lots as remain unsold, with power to make deeds of conveyance to the purchasers on their own responsibility, and agreeably to their contracts.

Lots laid out by J. and T. Welsh, added to the town. Regulations respecting owners.

Powers vested in trustees to govern this part of the town.

Sec. 17. *And be it further enacted by the authority* *aforesaid*, That full power and authority be, and the same is hereby vested in the trustees for the town of

Powers given to the trustees of Rich-

1814. **Richmond, and their successors, to regulate and prescribe the manner and kind of posts, or side railing which is required or placed in front of the side walks of the streets in said town; and may, by their ordinances, published and stuck up on the court-house door, or printed in "The Luminary," or any other public print edited in said town, regulate the height and description of such posts or hand railing, under such fines and penalties as a majority of the trustees may deem necessary, recoverable before a justice of the peace, in like manner that debts of the same amount are recoverable.**

Sec. 12. *Be it further enacted,* That the trustees of said town be, and they are hereby authorised to lay a tax of fifty dollars, in addition to the town tax now authorised by law, to be collected and applied as heretofore.

Preamble. Whereas the citizens of Danville have neglected for two years past to elect trustees for said town: For remedy whereof,

Sec. 19. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That should the citizens hereafter fail to elect trustees, at the time and in the manner directed by an act approved February 1809, for the better regulation of the town of Danville, any two respectable house-keepers in said town may proceed to hold an election for trustees; who, when elected, shall hold their offices until the next annual election, as directed by the act above referred to. And the said trustees, and their successors, who shall be elected under the provisions of this act, shall be clothed with all the powers, and be governed by the act of February 1809, regulating the town of Danville.

Sec. 20. *And be it further enacted,* That in all future elections for trustees for said town, only five trustees shall be elected, instead of nine, the number now allowed by law; a majority of which number shall at all times constitute a board to transact business.

Sec. 21. *Be it further enacted,* That the trustees of said town shall have power to require the owners of lots in said town to pave the foot-walks in front of their lots, not exceeding twelve feet in width, and enclose the walks with posts, or post and railing; and on failure of the owner of any lot or lots, to pave and enclose the foot-walks, as directed by the trustees, within six months after notice shall have been given him in wri-

mond to erect
post and side
railing.

An additional
of \$ 50.

In case trus-
tees are not
appointed,
how elections
to be held.

Trustees lim-
ited to five.

Foot walks to
be paved.
Regulations
relative there
to.

ting of the order of said board for such purpose, the trustees shall have power to cause the same to be paved and enclosed, and to levy the amount of money expended in making such improvement, on the lot or lots of the person so failing or refusing to comply with this section, and to sell the lot or lots, or such part or parts thereof, as will produce the amount expended by the trustees in said paving and enclosing, unless the owner of said lot or lots should, previously to such sale, discharge the amount demanded: *Provided, however*, that the trustees shall give twenty days' notice of the time and place of such sale or sales, by advertisement, at three of the most public places in said town.

1814.

Sec. 22. *And be it further enacted*, That in all future elections for trustees in the town of Danville, no person shall be entitled to vote for trustees, unless he shall have resided six months in said town previously to the election.

Qualification
of voters.

Sec. 23. *Be it further enacted*, That the trustees of the town of Louisville, be, and they are hereby empowered to prevent the making of brick within the limits of said town; and are hereby invested with power to prevent the digging of any earth, or the raising of any scaffolding for the purpose of making brick, by an order of the board; and may take down and destroy all preparations made for that purpose; and may moreover impose any penalty on the violation of said order, not exceeding five dollars per day, to be recovered by warrant in the name of the trustees, against the offender, before any magistrate of Jefferson county.

Trustees vested with powers to prevent making brick.

Sec. 24. *Be it further enacted*, That so much of the 11th section of an act passed the 18th day of January 1810, for the better regulating the town of Monticello, in the county of Wayne, as requires the trustees of said town to meet in March, June, September and December annually, shall be, and the same is hereby repealed.

Monticello—
law respecting elections repealed.

Sec. 25. *Be it further enacted*. That the election of trustees of said town may be had before any two justices of the peace of said county, without being previously appointed for that purpose by the county court, any law to the contrary notwithstanding.

How elections to be held.

Sec. 26. *Be it further enacted*, That the trustees of the town of Russellville, shall, in their discretion, have

Russellville—
trustees' power to levy a tax for paving.

1814. power to levy and collect a tax, (according to the laws regulating said town) for the purpose of paying Main street in said town.

CHAPTER CXCIV.

An ACT authorising the Editors of "The Western Monitor," printed in Lexington, and "The Eagle," printed in Maysville, to insert certain Advertisements.

Approved January 26, 1815.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall and may be lawful for any advertisements which are required by law to be published in a newspaper, to be inserted in "The Western Monitor," at Lexington, and "The Eagle," printed in Maysville; and the editors of said papers shall be entitled to the same fees, and to be governed by the same regulations, as other printers in this commonwealth; Provided, that nothing herein contained shall be so construed as to authorise the insertion in "The Western Monitor," and "The Eagle," of such advertisements as are particularly required by law to be published in the paper of the public printer.

CHAPTER CXCVIII.

An ACT to incorporate the Trustees of the Pendleton Academy.

Approved January 26, 1815.

Preamble.

WHEREAS it is represented to the present general assembly, that the trustees of the Pendleton seminary, by virtue of powers invested in them by the county court of Pendleton, under former acts, have proceeded to purchase a site and erect a house for the accommodation of a school in the town of Falmouth, by an application of a part of the funds raised by the sale of donation land, aided by the liberality of individual subscription: Wherefore,

Trustees incorporated.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky, That James King, Alexander Monrow, Samuel Lockwood, Stephen Thrasher,*

James Naylor and James Wilson, acting trustees, shall be, and are hereby constituted a body politic and corporate, to be known by the name of "The Trustees of the Pendleton Academy;" and by that name shall have perpetual succession, and a common seal, with power to change and alter the same at pleasure; and as a body corporate, shall be authorised to exercise all the powers and privileges that are enjoyed by the trustees of any academy or seminary of learning in this state. And on the death or resignation, or other disqualification of any of the trustees aforesaid, or their successors, a majority of the remaining trustees shall fill such vacancy or vacancies; and the person or persons so appointed, shall be vested with the same power and authority as is specially named by this act; and by the name and style of the Trustees of the Pendleton Academy, may sue and be sued, implead and be impleaded, in any court of law or equity, or before any tribunal having cognizance of the same, or jurisdiction in like cases.

1814.

Vacancies,
how filled.Name and
style.

Sec. 2. *Be it further enacted*, That the said trustees and their successors shall have power, in their corporate capacity, to purchase or receive by donation, any lands, tenements or hereditaments, monies, rents, goods and chattels, and to hold the same by the name aforesaid, to them and their successors forever, for the use of said academy, and to sell, alien or transfer any such lands, goods or chattels, and apply the proceeds to the benefit of the institution.

The corpora-
tion have
power to re-
ceive dona-
tions, &c.

Sec. 3. *Be it further enacted*, That the trustees shall hold two stated sessions in each year, to wit: On the first Monday in April, and on the first Monday in November, at said academy. And in case a sufficient number of members do not attend to constitute a quorum, those who do attend may adjourn to a future day, and shall give reasonable notice of the time and place of adjournment to, by advertising the same at the court-house and academy door.

Stated meet-
ings—regula-
tions relative
thereto.

Sec. 4. *Be it further enacted*, That a majority of all the trustees shall be necessary to form a quorum to do business; nevertheless a smaller number may adjourn to a future day, or fill vacancies, as is provided for in the foregoing sections of this act; and any member failing to attend any meeting of the board, having had legal notice of the same, or being informed thereof by any

Majority ne-
cessary to do
business; a
smaller num-
ber may ad-
journ or fill
vacancies.

1814.

of the members, shall be considered to have vacated his seat: *Provided always*, that his absence were not unavoidable, from sickness or other inability, or from his absence from the county, or attending a court of justice in obedience to legal process, or in the military service of this state or the United States; and in each case his excuse shall be heard and adjudged of by the board.

By-laws,
rules & regulations.

Sec. 5. *Be it further enacted*, That the trustees shall have power to make and ordain such by-laws, rules and ordinances as they may deem proper for the government of said institution, not inconsistent with the laws or constitution of this state; to elect their president, treasurer and clerk, or other officers, and to remove them again at pleasure; to engage and employ a competent number of professors or teachers to said academy; to fix their salaries, and the salary of their clerk, and purchase books and stationery for the use of the board; to employ agents and attorneys to manage the fiscal concerns of the institution; to fix the terms of tuition; and on the misconduct of any professor, tutor or student, may expel him or them from said academy.

Purchase
bank stock.

Sec. 6. *Be it further enacted*, That the trustees shall have power to purchase, or take by subscription, (as they may deem most advantageous to the interest of the institution) any number of shares of bank stock, in any chartered bank, or in the bank of the United States, if any such shall hereafter exist, not exceeding three-fourths of the nett proceeds of the land sold, and which may be sold, belonging to the Pendleton academy.

Called meetings.

Sec. 7. *Be it further enacted*, That it shall be lawful for the principal teacher or president, or any two of the members of the board, when they shall deem it necessary, to call a meeting by advertising, as is directed by the third section of this act; and any member failing to attend said meeting, may be proceeded against in the same manner as for failing to attend a stated meeting, or meeting appointed to be held by adjournment: *Provided, however*, that the board, when convened without such notice, shall have as full power to act and transact all necessary business, at any time and place, as if such notice had been given by advertisement.

Proviso.

Property to be given up

Sec. 8. *Be it further enacted*, That all the lands, goods, chattels, rights and credits, heretofore belonging to the trustees appointed by the county court of Pendleton, or

belonging to said court for the use of any academy in said county, shall be, and are hereby vested in the trustees constituted by this act, and their successors. And the said trustees appointed by this act, and their successors, are hereby empowered to recover by suit or otherwise, all debts and demands of every description heretofore contracted with the former trustees, or the county court of Pendleton, for the use and benefit of an academy in said county.

1814.

to the trustees—their powers.

CHAPTER CXIX.

An ACT to incorporate the Directors of the Mountsterling Library Company, and to amend the act incorporating the Winchester Library Company.

Approved January 26, 1815.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky, That Thomas Moseley, David Barrow, George Howard, Micajah Harrison and William C. Hayden, and their successors, duly elected or appointed in manner hereinafter directed, be, and they are hereby made, declared and constituted a corporation and body politic in law and in fact, to have continuance forever, by the name, style and title of the "Directors of the Mountsterling Library Company."*

Directors incorporated.

Name & style

SEC. 2. *Be it further enacted, That all and singular the sums of money, books, goods and chattels, which may have been subscribed and paid, or which may be subscribed and remain due, or which may hereafter be subscribed, given, granted or devised to the said company, or to any person or persons for the use thereof, shall be vested in and confirmed to said corporation; and that the said corporation may take and receive any sum or sums of money, or any goods, chattels or other effects of what kind or nature soever, which shall or may hereafter be given, granted or bequeathed unto them by any person or persons, bodies politic or corporate, capable of making such gift or bequest; such money, goods, chattels or other effects, to be laid out and disposed of in the purchase of books, maps, charts, drawings, &c. for the use and benefit of the said company, agreeably to the intention of the donors.*

Property or money subscribed to the corporation, to be laid out in books, &c.

1814.

Corporation
made capable
of maintain-
ing or defend-
ing suits.

Sec. 3. *And be it further enacted*, That the said corporation, by the name and style aforesaid, shall be hereafter forever capable in law to sue and be sued, plead and be impleaded, in any court or courts, or other places, or before any judge or justice within this commonwealth, or elsewhere, in all manner of suits, actions or complaints of whatever kind or nature they may be, in as full and effectual a manner as any other person or persons, bodies politic or corporate, may or can do.

To use a com-
mon seal; &
general regu-
lations.

Sec. 4. *And be it further enacted*, That the said corporation shall have full power to make and use a common seal, with such device and inscription as they shall think proper, and the same to break, alter and renew at pleasure; to appoint a treasurer, secretary and librarian; to assign them their duties, fix their compensation, and remove him or them from office and appoint another or others in their place, as often as they shall think proper; to make and execute such by-laws and ordinances as may be deemed useful to the institution, and the same to alter, amend or abrogate at pleasure; to fix the price of new shares, and annual contributions on each share; to direct how transfers may be made and certified, and judge of the persons proper to be admitted members; to procure, by purchase, rent or otherwise, a suitable place for keeping the library; to appoint the times for keeping the library open, and for taking out and returning books; to fill up vacancies that may happen in their number between two half-yearly meetings; to levy and collect fines and forfeitures, and to determine upon and transact all matters appertaining to the said corporation or library company, agreeably to the rules, ordinances and by-laws thereof, during their continuance in office: *Provided, however*, that not less than three of the directors shall be a quorum to do business; that no by-law shall be made repugnant to the laws of this commonwealth, and that no contributions shall be laid on any share, in any one year, greater than one-fifth of the value of a share, without the consent of a majority of the members.

Provide.

Semi-annual
meetings; di-
rectors to
give notice.

Sec. 5. *And be it further enacted*, That there shall be a semi-annual meeting of the members of said library company, at the library, or such suitable place as the directors may from time to time appoint, of which the directors shall cause at least ten days' notice to be giv-

en, in at least one of the newspapers that circulate in the vicinity of Mountsterling, or other notice affixed on the doors of the public houses or taverns in said town; at which time and place the members, or such of them as may be present, either personally or by proxy, evidenced by writing under the hand of the shareholder, and shall not be in arrears for any annual contribution, fines or forfeitures, shall elect and choose by ballot five directors out of their number, to serve for the half year ensuing their election, and until others shall be elected and consent to serve in their place: *Provided always*, that a majority of the shareholders as aforesaid, either personally or by proxy, shall be necessary to elect the directors, and that each shareholder shall be entitled to one vote for each share he shall possess in the institution.

1814.

Five directors to be chosen to serve how long.

Proviso.

Sec. 6. *And be it further enacted*, That the directors shall cause the treasurer, secretary and librarian to keep, in suitable books for that purpose, just and proper entries of all the proceedings and accounts of the company and corporation, and have them laid before the company at every half-yearly meeting, previous to taking the votes for directors; and shall always deliver the said books, together with all the property of the company, in good order, to their successors in office, whenever required.

Treasurer, secretary and librarian—their duty.

Sec. 7. *And be it further enacted*, That the first election for directors by virtue of this act, shall be held on the last Saturday in February 1815, and the second election on the last Saturday in September next, and on the last Saturdays in February and September in every year forever thereafter. And in case a majority should fail to attend at the times appointed to hold elections of directors, &c. fifteen or more may constitute a quorum to do business.

When elections to be held.

Sec. 8. *And be it further enacted*, That each shareholder shall be at liberty at all times to transfer or relinquish his share or shares, and that he shall forever thereafter be released from all further contribution on account thereof.

Shareholders may relinquish shares.

Sec. 9. *Be it further enacted*, That the directors appointed by this act, and their successors, shall hold their offices until superseded by an election held at some of the semi-annual meetings of the company, directed by this act.

Present directors to hold offices until superseded.

1814. *Winchester library company; regulations about directors.* Sec. 10. *Be it further enacted,* That in all elections for directors of the Winchester library company, pursuant to the act of assembly in that case made and provided, the five persons having a majority of the votes actually given, shall be considered as duly elected, whether a majority of all said shareholders shall vote or not at said election, any law to the contrary notwithstanding.

CHAPTER CC.

An ACT for the relief of Charles Hutcherson.

Approved January 26, 1815.

The act authorised the auditor to issue a warrant in his favor for making a press for the adjutant general's office.

CHAPTER CCI.

An ACT to provide a Seal for the Commonwealth, and for the Secretary's Office.

Approved January 26, 1815.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be the duty of the secretary of state to procure for the commonwealth a seal, engraved with the same device and motto which were on the seal that was destroyed by the burning of the capitol. He shall also procure a seal for his office, with a suitable device, and the words "*Secretary's Office, State of Kentucky,*" engraved thereon. Should either of said seals at any time be destroyed, or become unfit for use, it shall be the duty of the secretary for the time being to cause the same to be repaired, or a new one to be procured, in like manner. The expence of procuring the seals aforesaid, and repairing the same, shall be paid out of the public treasury from time to time, in the same manner as other expences of the secretary's office are paid.

Secretary to procure seal for the state.

For secretary's office.

Secretary to cause seals to be repaired, and procure new ones, when necessary.

Expences to be paid out of the treasury.

XXIII. YEAR OF THE COMMONWEALTH.

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CHAPTER CCII.

1814.

An ACT to amend the law respecting the western election precinct of Hardin County.

Approved January 27, 1815.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That the place for holding elections in the western precinct of Hardin county, shall in future be at the house of Richard Willett, at the Buck Grove; and that so much of the law as authorised elections to be held at Benjamin Shacklet's, be, and the same is hereby repealed.

CHAPTER CCIII.

An ACT for the benefit of the Grand Lodge of Kentucky.

Approved January 27, 1815.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall, and may be lawful for Gabriel Tandy, Thomas Bodley, Daniel Bradford, John Tilford and Doctor William Richardson, or a majority of them, to raise by way of Lottery, in one or more classes, as to them may seem most convenient and necessary, any sum not exceeding the sum of thirty thousand dollars, to be appropriated in the erecting and finishing a Grand Masonic Hall, for the use and benefit of the grand lodge of Kentucky, in the town of Lexington. And the said Gabriel Tandy, Thomas Bodley, Daniel Bradford, John Tilford and William Richardson, or such of them as may choose to act, shall, before they enter upon the duties of their office, in the county court of Fayette, enter into bond with security to be approved of by said court, to the commonwealth of Kentucky, in the penal sum of sixty thousand dollars, conditioned for the faithful discharge of the several duties imposed upon them by this act; which bond, may from time to time, be put in suit in the name of the said commonwealth of Kentucky, by any person injured by a breach thereof. And it shall be the duty of the said managers; within ninety days from the completion of the drawing of the said lottery, to pay to the fortunate person or persons, or to his, her or their order*

Managers of lottery appointed.

Sum to be raised, and how appropriated.

Managers to give bond.

Condition:

Managers to pay prizes.

1814.	all such prizes as may be due agreeably to the scheme which they may have determined upon, and published by them. The said lottery may be drawn in the town of Lexington, or at such other place as may be deemed most expedient, giving due notice of the time and place of such drawing. The grand lodge of Kentucky may appoint two or more persons to superintend, in conjunction with two or more of the trustees, for the time being, of the town in which said lottery may be drawn, the drawing of said lottery, whose duty it shall be to see the same fairly and impartially conducted. Each of said examiners and managers, and each clerk that may be employed, shall, before the drawing commences, take an oath to act fairly and impartially in the discharge of his several duties; which oath may be administered by any justice of the peace. If the said lottery or any class, thereof, be not drawn within three years after the scheme of the same may have been published, the same shall cease, and the purchasers of tickets may demand and receive of the managers any money disbursed for tickets in said lottery.
Lottery— when and where drawn.	
Persons to superintend drawing.	
Examiners, managers and clerk to take oath.	
In what time to be drawn.	
Managers to report pro- gress.	Sec. 2. <i>And be it further enacted,</i> That the aforesaid managers shall report to the grand lodge of Kentucky, at the next annual communication of said grand lodge in August, 1815, and at such time thereafter as may be ordered by said grand lodge, the progress made in the sale of tickets, or in the drawing said lottery. And it shall be their duty to pay over all and any money which may be raised in the manner heretofore authorised, to the order of said lodge, or to such person or persons as may be authorised by said lodge to receive the same, for the purpose of erecting and furnishing said Masonic Hall.
And pay over money.	
Lot of ground to be procur- ed on which to erect a ma- sonic hall.	Sec. 3. <i>Be it further enacted,</i> That the grand master of Kentucky, is hereby authorised, by and with the consent of the other officers of the grand lodge, to acquire by purchase, or accept as a donation, an eligible lot or parcel of ground not exceeding four acres, on which to erect the said Masonic Hall. And the title in and to said lot or parcel of land, with all and singular its appurtenances, so obtained as aforesaid, shall vest, and is hereby vested in the grand master and other officers of the grand lodge of Kentucky, and their successors in

office, to the sole use, benefit and behoof of the grand lodge of Kentucky. 1814.

Sec. 4. *And be it further enacted*, That if the said managers should sell or dispose of the whole scheme of the lottery hereby authorised, or any class thereof, to any person or persons beyond the limits of this commonwealth, which they are hereby authorised to do, so as to raise the proposed sum, the said managers or such as may act, are hereby made responsible to the grand master of Kentucky for the amount of said sale; which amount shall be at least ten per cent. on the sum of the scheme so disposed of. And the grand master, for the time being, is hereby authorised to demand, sue for, and recover the same, in behalf and for the use of the grand lodge of Kentucky, for the purposes aforesaid. Man'rs. may dispose of said lottery, and on what terms.

CHAPTER CCIV.

An ACT establishing election Precincts in the Counties of Gallatin and Lewis.

Approved January 27, 1815.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That all that part of Gallatin county within the following bounds, viz. Beginning on the Ohio river at the mouth of the Little Kentucky; thence up the same to a place known by the name of the Yellow Banks; thence a strait line to where the county line crosses the present road leading from Newcastle to Port-William; thence with the Henry and Gallatin line to the Ohio river; thence up the Ohio river to the beginning, shall be an election precinct, to be known by the name of the "Corn Creek Precinct;" and the elections therein, shall be held at the house of William Wood, within said precinct. Election precinct established in Gallatin.
Its boundary.
And name & place of holding elections therein.

Sec. 2. *Be it further enacted*, That the sheriff of Gallatin, or his deputy, shall attend said elections; and the county court of said county, shall appoint judges and a clerk, under the same rules and regulations, and receive the same compensation as the law directs in similar cases; and all the voters within said precinct, shall vote at the said Wood's or at the court-house, as they may elect. Sheriff to attend elections.
And county court to appoint judges and clerk to act therein.

1814.

Sheriffs to
meet, com-
pare polls &
make return.

Sec. 3. *Be it further enacted*, That the sheriff who attends the elections within said precinct, shall meet at the court-house in Port-William, on the Friday next after each election, and there compare the polls of the several candidates; and give certificates conformably thereto.

Election pre-
cinct in Lew-
is county es-
tablished.

Sec. 4. *Be it further enacted*, That all that part of Lewis county lying in the following boundary, to wit: Beginning at the mouth of Kinneconick; thence up said Kinneconick creek to the Fleming line; thence with the said Fleming line to the Greenup county line; thence with said Greenup line to the Ohio river; thence down said river to the beginning, shall be an election precinct; and shall be called and known by the name of the "Kinneconick Precinct." And an election shall be held at the house of William Bilderbacks, for the said precinct by the sheriff of the county of Lewis, or one of his deputies, at the same time, and in like manner, as elections are by law directed to be held. And all the voters in said precinct may vote at said Bilderback's or at the court-house of said county. The county court of said county, shall, from time to time, appoint judges and a clerk to attend elections in said precinct, in like manner as the law directs in similar cases; and on failure of such court, the sheriff shall fill such vacancies. And the said judges, clerk and sheriff, shall be entitled to the same allowance, to be paid in like manner, and subject to the same penalties, as is directed by law in similar cases. The sheriff attending the precinct, shall meet at the court-house to compare the polls of said elections, agreeably to an act of assembly heretofore enacted regulating a precinct in said county of Lewis.

Place of hold-
ing elections.

County court
to appoint
judges and
clerk to at-
tend elec-
tions.

Sheriff may
fill any vacan-
cy.

Sheriff to
compare polls
and make re-
turns.

CHAPTER CCV.

An ACT allowing an additional Justice of the Peace in the Counties of Boone, Pendleton and Gallatin.

Approved January 27, 1815.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That the counties hereinafter named, shall be entitled to the following number of justi-

ces of the peace, in addition to the number heretofore allowed by law; to wit: The county of Boone, one; the county of Pendleton, one; and the county of Galatin, one. 1814.

CHAPTER CCVI.

An ACT allowing Tours of Duty to certain Volunteers and Militia.

Approved January 27, 1815.

Had its effect.

CHAPTER CCVII.

An ACT to amend and reduce into one the several acts, authorising the apprehending of Fugitives from Justice.

Approved January 27, 1815.

See also on this subject Vol. III, pages 108 and 300.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That whenever the governor or the executive authority of any of the United States or territories thereof, shall make on the governor of this state, a requisition or demand to surrender any fugitive from justice, pursuant to the constitution and laws of the United States, it shall be the duty of the governor of this state to issue his warrant, directed specially to the sheriff of any county, or generally to all sheriffs or constables in this state, authorising and requiring them to apprehend said fugitive, and bring him or her before some circuit judge or assistant judge of the circuit court of any county, there to be further dealt with according to the provisions of this act. Duty of the governor in apprehending fugitives from justice.

SEC. 2. *Be it further enacted,* That such circuit or assistant judge, before whom said fugitive is brought, shall proceed by proper and legal testimony to inquire into the matter so far as shall be necessary to ascertain the identity of the person demanded by the requisition of the governor of such other state or territory, and mentioned in the warrant of the governor of this state; and if such circuit or assistant judge, shall be satisfied When apprehended may be taken before a circuit or assistant judge.

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Z

May discharge the person apprehended if he

1814.

is not the per-
son demand-
ed.
Judge to de-
liver up the
person if i-
dentified.

And to in-
form the gov-
ernor thereof

If no agent
shall appear
in 3 months,
the person
apprehended
is to be dis-
charged.

The agent be-
fore he re-
ceives him is
to pay all
costs.

Certain acts
repealed

that the person apprehended is not the same demanded as a fugitive from justice, he shall thereupon discharge him or her from the custody of the officer who has such alleged fugitive in custody. But if it shall appear that the person so apprehended is the same designated in such requisition of the governor, or executive authority of such other state or territory, and ordered to be apprehended by the warrant of the governor of this state, the circuit or assistant judge before whom he or she is brought, shall order him or her to be delivered up to the agent of the state or territory demanding him, to be transported to such state or territory agreeably to the laws of the United States : Or if such agent be not present, said circuit or assistant judge may commit such fugitive, by warrant, to the jail of any county in this state ; and the judge who commits the fugitive, shall immediately inform the governor of this state of the commitment of such fugitive, and to what jail he or she has been committed ; and on demand he or she shall be delivered to the agent or messenger : But if no agent or messenger shall apply and demand the body of such fugitive, within three months from the time of his or her commitment, he or she shall be discharged from imprisonment.

Sec. 3. *Be it further enacted*, That the agent or messenger of the state or territory demanding such fugitive, shall, at the time of receiving his or her body, pay all legal costs incurred in apprehending and securing such fugitive, due to the different officers and witnesses attending the inquiry.

Sec. 4. *Be it further enacted*, That an act of assembly, approved the sixth of December, one thousand eight hundred and three, entitled " an act respecting fugitives from justice," also an act, approved December the twenty-fourth, one thousand eight hundred and five, entitled " an act to authorise the apprehending fugitives from justice, in certain cases," shall be, and the same are hereby repealed.

XXIII. YEAR OF THE COMMONWEALTH,

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CHAPTER CCVIII.

1814.

An ACT for the relief of the Citizens of Caldwell County.

Approved January 27, 1815.

The act authorised a removal of the seat of justice by a general vote of qualified electors at the annual election.

CHAPTER CCIX.

An ACT further to regulate and establish the town of Flemingsburg.

Approved January 27, 1815.

The act referred to in the sixth section, will be found in Volume II, page 406.

WHEREAS Benjamin Roberts died possessed of eight hundred and thirty-five acres of land in the now county of Fleming, which by his last will and testament he devised to several devisees; and the said devisees, by agreement among themselves, made an amicable division of said land, and thereafter John Field, one of the said devisees, conveyed to George Stockton, by deed of record in the clerk's office of the Mason county court, one hundred and fifty-eight acres of said land, being the part allotted to him in said division, as a devisee; and whereas, the division made between said devisees was never recorded, and is now lost; and the town of Flemingsburg has been since established in part, on that part of said John Field's, so conveyed: For remedy whereof,

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the amicable division made between the devisees of said Benjamin Roberts, deceased, be, and the same is hereby ratified and confirmed; and that the part assigned to said John Field, one of said devisees, shall be held and deemed to be the share of said John in severalty, as designated by the aforesaid deed from said John Field to said George Stockton, to all intents and purposes, in law and equity.

The division of land ratified and confirmed.

Sec. 2. *Be it further enacted,* That the deeds of conveyance, from any of the trustees of the town of Flemingsburg heretofore made to any purchasers of lots or

Deeds made by the trustees declared valid.

1814. their assignees, shall be, and the same is hereby declared valid, and sufficient to pass the legal estate to said purchasers and their assignees, to all intents and purposes.

The land vested in the trustees. *Sec. 3. Be it further enacted,* that all the said tract of one hundred and fifty-eight acres of land, conveyed by said John Field to George Stockton, except the lots which have heretofore been conveyed by the trustees of said town to purchasers, shall be, and the same is hereby vested in the present acting trustees and their successors in office, in fee simple: *Provided, however,* that the public square including the court-house, shall remain vested in the justices of the county court, and their successors in office, as heretofore.

Trustees to convey lots sold, but not conveyed. *Sec. 4. Be it further enacted,* That the trustees of said town, and their successors, shall convey to the purchasers of lots in said town, all the lots heretofore sold, and which have not been conveyed; and said deeds shall be sufficient to pass the estate in said lots in fee simple. And if there be any lots in said town unsold, according to the plat hereafter established, the trustees may sell and convey the same at the request of the said George Stockton, for his use and benefit: *Provided, however,* that nothing in this act contained, shall authorise the said trustees or their successors, to sell and convey any lot which said George Stockton may have laid off and appropriated to any public use. And that nothing in this act shall be so construed as to prejudice the claim of the devisees of said Benjamin Roberts, deceased; but if they, or any one of them, may hereafter choose to institute a suit in chancery, for a re-division of said land, the same shall remain as to them in that respect, as if this act had not passed.

Plat of the town established. *Sec. 5. Be it further enacted,* That the plat of the town of Flemingsburg, as laid down by William Rout, is hereby established; and the boundaries of lots in said town, shall remain the same as is surveyed by said Rout.

Trustees to be elected. *Sec. 6. Be it further enacted,* That the trustees of the town of Flemingsburg, shall hereafter be elected by the inhabitants thereof, agreeably to an act of the general assembly, approved the seventeenth of December, in the year one thousand eight hundred, entitled "an act to amend an act entitled an act concerning towns in

this commonwealth." And whenever a vacancy shall happen, such vacancy shall be filled by the remaining trustees.

1814.

Vacancies to be filled. May impose an additional tax on real estate in said town.

Sec. 7. *And be it further enacted*, That the trustees of said town, shall have full power and authority, to levy and collect from the owners of lots in said town, any sum not exceeding one hundred dollars in each and every year, in addition to the tax already imposed by law, to be levied in proportion to the value of said lots, and collected as heretofore.

CHAPTER CCX.

An ACT for the benefit of Margaret Patton.

Approved January 27, 1815.

The act authorised her to locate 21 acres of land in Bourbon county.

CHAPTER CCXI.

An ACT to amend the law authorising the appropriation of the Lands acquired by the Treaty of Tellico.

Approved January 31, 1815.

For the laws on this subject see Volume IV, pages 167, 229, 238, 281, 349, 404 and pages 5, and 102, of this Volume.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That the several instalments of the debt due the commonwealth for the sale of her vacant lands within the Tellico purchase, which become due, and payable on the first day of January, in the years one thousand eight hundred and twelve, one thousand eight hundred and thirteen, one thousand eight hundred and fourteen, and one thousand eight hundred and fifteen, shall be postponed, as respects the time of payment of such instalments; and shall be due and payable on the first day of December, in the years one thousand eight hundred and fifteen, one thousand eight hundred and sixteen, one thousand eight hundred and seventeen, and one thousand eight hundred and eighteen, respectively: *Provided, nevertheless*, that interest on the said several instalments, shall be computed, as if this law had never passed.

Payment of instalments postponed.

The time of payment.

1814. *Sec. 2. Be it further enacted,* That upon failure to make payment of the several instalments, or any of them, as they become due and payable, the land on which the same is due and payable shall not be offered for sale as heretofore ; but shall, for any such failure, be considered and held as forfeited to the commonwealth; but shall be redeemable, on the owner of such forfeited claim, or any other on his behalf, paying into the public treasury all arrearages due for principal, as well as interest, on such forfeited claim, at the time of such redemption, with seven per cent. damages on the amount thereof.

Land forfeited to the commonwealth.

May be redeemed.

And terms of redemption.

Sec. 3. Be it further enacted, That any person claiming lands within the limits of the said purchase, under the various laws authorising the appropriation of the vacant lands therein, who shall within ten months from the passage of this act, pay into the public treasury the whole of the purchase money due the government for any claim acquired as aforesaid, shall be entitled to, and receive a discount of all the interest due thereon.

Interest to be discounted upon certain conditions.

CHAPTER CCXII.

An ACT for the purpose of regulating Flour Inspections.

Approved January 31, 1815.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That all laws and parts of laws, requiring that flour manufactured for exportation shall be inspected, shall be, and the same are hereby repealed ; *Provided, however,* that the provisions of this law shall not have effect, whenever the purchaser of the flour shall require its inspection.

CHAPTER CCXIII.

An ACT for the relief of Nicholas Mason.

Approved January 31, 1815.

He was entitled to credit for a tour of duty, but from particular circumstances could not procure a formal certificate : This act gave him the credit.

XXIII. YEAR OF THE COMMONWEALTH.

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CHAPTER CCXIV.

1814.

An ACT to establish a Town in the County of Washington, and to authorise the County Court to add more land to the Town of Bowling-Green.

Approved January 31, 1815.

WHEREAS it is represented, that if a town was established on the head of Hardin's creek, on the lands of William Purdie, Robert H. Fogle, David Graham, George Mercer, Richard Foreste and Benedict Spalding, jun. who have consented thereto, it would operate to public utility :

Preamble.

Sec. 1. *Be it therefore enacted by the General Assembly of the Commonwealth of Kentucky,* That thirty-three and three-fourth acres of land, claimed by the said William Purdie, Robert H. Fogle, David Graham, George Mercer, Richard Foreste and Benedict Spalding, jun. lying on the head of Hardin's creek, in Washington county, and on the main road leading from Danville and Harrodsburg to Nashville, beginning at the Presbyterian stand, near the Hardin's creek meeting-house; thence south 45° west 14 poles to a dogwood; thence south 48° east 60 poles; thence north 45° east 90 poles, to a stake; thence north 48° west 60 poles; thence south 45° west 76 poles to the beginning, to be vested in David Clark, Edward M. Elder, David Graham, Clement Parsons, Robert H. Fogle, Stephen Purdie, Benedict Spalding, jun. and James McElroy, gentlemen trustees, and established a town by the name of LEBANON.

The town of Lebanon established.

Trustees appointed.

Sec. 2. *Be it further enacted,* That said trustees, or a majority of them, shall proceed to lay off said town into convenient lots and streets, and sell the lots from time to time as they may judge proper, upon reasonable credit, giving as public notice of the time and place of such sale as they may conceive the nature of the case may require, taking bond with security for the payment of the purchase money; which bond shall be assigned to the original proprietors of the land on which each lot or lots may be so sold; and each proprietor shall enter into bond with sufficient security, to be approved by the county court of Washington county, for the reimbursing each purchaser of any lot or lots on his land in said town, if any prior or better claim should by due course

Duty of the trustees.

Proprietors to enter into bond.

1814.

Trustees to
make deeds
and by-laws.

of law obtain said land ; which bonds so given shall be filed in the office of the clerk of said county court.

Sec. 3. *Be it further enacted*, That said trustees shall execute deeds of conveyance for the lots to the purchasers, make such rules and orders for the regular building of houses thereon as to them may seem best, and to settle and determine disputes about the bounds of said lots, saving and reserving to all and every person or persons, bodies politic and corporate, any right and title, either at law or in equity, in and unto the land aforesaid, as if this act had not been made ; and every purchaser that shall not have completed the building a house agreeable to the plan of said trustees, on his lot or lots, within one year from the date of his purchase of it or them, shall forfeit each and every lot not so built upon.

County court
of Warren to
add more
land to Bow-
ling-Green.

Sec. 4. *Be it further enacted by the authority aforesaid*, that it shall and may be lawful for the county court of Warren, upon the application of the heirs of George Moore, dec'd. by their guardian and Robert Moore, made in writing filed in said court, to add to the town of Bowling-Green, any number of acres of land, belonging to the said Robert Moore and the said heirs, not exceeding ten ; which, when added to and made a part of said town, shall be vested in the trustees thereof and their successors, who shall lay off the same into convenient lots, streets and alleys, and proceed to sell the same, under the same rules and regulations, and for the same purpose, as the laws now in force and operating on said trustees and town require : *Provided, however*, that notice of said application shall be given and published in some authorised newspaper, four weeks previous to such application to the court.

Sec. 5. *And be it further enacted*, That one of the justices of the peace allowed to the county of Washington, be appointed and shall reside in the town hereby established, or within one mile thereof.

XXIII. YEAR OF THE COMMONWEALTH.

1813

CHAPTER CCXV.

1814.

An ACT to alter the terms of certain Circuit and County Courts.

Approved January 31, 1815.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That hereafter the courts of the county of Ohio, shall commence on the first Mondays in the months of March, June and September; and may sit six juridical days, if the business before it require it. Ohio courts changed.

SEC. 2. *Be it further enacted,* That the circuit courts for the county of Muhlenburg, shall hereafter commence their terms on the second Mondays in the months of March, June and September; and may sit three juridical days, if their business require it. Muhlenburg courts changed.

SEC. 3. *Be it further enacted,* That the circuit courts for the county of Hopkins, shall hereafter commence on the Thursdays succeeding the second Mondays in March, June and September; and may sit three juridical days, if the business require it. Hopkins courts changed.

SEC. 4. *Be it further enacted,* That hereafter the circuit courts for the county of Union, shall commence on the third Mondays in March, June and September; and may sit six juridical days, if the business thereof require it. Union courts changed.

SEC. 5. *Be it further enacted,* That hereafter the circuit courts for the county of Henderson, shall commence their terms on the fourth Mondays in March, June and September; and may sit six juridical days, if the business require it. Henderson courts changed.

SEC. 6. *Be it further enacted,* That all process, mesne or original, which has or may issue from the clerk's office of either of the said courts, as heretofore held, shall be as binding and valid, to all intents and purposes, the same as if this law had not passed; and all suits now pending in said courts, shall be governed by the same laws and regulations as other suits have been in said courts. Process made legal.

SEC. 7. *And be it further enacted,* That the county courts of said counties shall sit on the same Mondays in those months in which there is no circuit courts holden, except the county court for the county of Hopkins, When county court to sit.

1814.

which shall commence on the second Mondays in those months in which there is no circuit courts; and said county courts shall be governed by the same rules as heretofore.

Lincoln court
of claims.

Sec. 8. *Be it further enacted*, That the county court of Lincoln, shall hereafter hold its court of claims in the months of September and October, instead of October and November, as heretofore directed by law.

Lincoln cir-
cuit courts
changed.

Sec. 9. *Be it further enacted*, That after the year 1815, the circuit courts of Lincoln county shall be held on the second Monday in May, the second Monday in August and the second Monday in November, in every year, instead of the second Monday in February, the second Monday in May and the third Monday in August, as now directed by law.

All laws coming within the purview of this act, are hereby repealed.

CHAPTER CCXVI.

An ACT to provide for the erecting a Bridge across Hinkston's Fork, near Peyton's Lick.

Approved January 31, 1815.

The county courts of Bourbon and Bath were to build the bridge, and pay for it out of the county levy.

CHAPTER CCXVII.

An ACT to reduce the number of publications of the Register's sales of Non-Residents' Lands for Taxes.

Approved January 31, 1815.

WHEREAS experience has proven that frequent publication of the register's sales of non-residents' lands, has of late had a tendency, owing to the increased circulation of the public newspapers, to crowd the public mails, without any real utility to the state or to non-residents: Therefore,

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That hereafter the sales of non-residents' lands for taxes, by the register of the land-office, shall be advertised once a month for two

months, (the first of which publications shall be three months before the day of sale) instead of twice a month for three months, as is now required by law.

1814.

Sec. 2. *Be it further enacted*, That upon the completion of the printing, and first publication of said sales, by the public printer or printers, the auditor is required upon the said printer or printers producing the register's certificate, specifying the number of tracts of land so advertised for sale for taxes as aforesaid, to issue his warrant upon the public treasury for the amount of such printing, at the rate now allowed by a former resolution of the legislature, passed in the year 1809, according to the practice heretofore pursued by the auditor.

When war-
rant to issue.

CHAPTER CCXVIII.

An ACT to authorise the Trustees of Henderson Academy to appoint additional Trustees.

Approved January 31, 1815.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That the trustees of Henderson academy, shall be, and they are hereby authorised to appoint such additional number of trustees to the said academy, not exceeding seven, as in their opinion shall be conducive to the interest of the said institution; which appointments of said trustees shall be concurred in by a majority of all the present trustees, and the names of the persons so appointed shall be entered on the record of said institution; and the said additional trustees, when so appointed, and their successors, shall, in common with the present trustees and their successors, possess the same powers and authorities, over and concerning said institution, in every respect, as possessed by the present trustees of said institution: *Provided, nevertheless*, that five trustees may constitute a board to transact the ordinary business of the institution.

County court
may appoint
additional
trustees.

Their powers

1814.

CHAPTER CCXIX.

An ACT for the benefit of John Nelson.

Approved January 31, 1815.

The inspection of his ware-house had been discontinued by act of assembly: This act authorised him to remove the tobacco to another ware-house.

CHAPTER CCXX.

An ACT to reduce into one the several acts concerning the Turnpike and Wilderness Road.

Approved February 2, 1815.

A reference to the various acts on this subject, will be found in the Index to Vol. IV, under the head of "Roads, particular."

WHEREAS it is represented to the present general assembly, that the several laws and parts of laws now in force, concerning the turnpike and wilderness road, are defective, and require amendment: For remedy whereof,

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the turnpike gate in Knox county, shall continue where it now stands; and the governor shall appoint a keeper annually, whose duty it shall be to charge and receive from each and every person passing through the same, the following tolls: For each waggon, one dollar, and six and one-fourth cents for each horse or mule in the team; for each four wheel riding carriage and team, one dollar and fifty cents; for each two wheel carriage and team, seventy-five cents; for each cart, twenty-five cents; for each horse, jack, mule or jenny, six and one-fourth cents; for each head of neat cattle, three cents; for each head of sheep or hogs, one cent; for each person above ten years old, six and one-fourth cents.

Sec. 2. *Be it further enacted,* That the keeper of said turnpike shall, before he enters on the duties of his office, enter into bond with good security, to be approved of by the county court of Knox county, payable to the governor and his successors in office, in the sum of four thousand dollars, conditioned for the faithful performance of the duties enjoined by this act; and he shall keep a book, and enter therein all the money received each

day in every month, from the turnpike, for the whole year, and make oath to the correctness of the same.

1814.

Sec. 3. *Be it further enacted*, That if any person or persons shall forcibly pass said turnpike, without paying the toll required by this act, it shall be the duty of the keeper, and he is hereby authorised to pursue, or cause to be pursued, such person or persons; and when apprehended, shall be taken before a justice of the peace in and for the county wherein such offender or offenders may be caught, whose duty it shall be to impose a fine of ten dollars, exclusive of the toll or tolls and costs; and if not paid down, such justice shall commit such offender or offenders to the jail of his county, there to remain for five days, unless such fine, tolls and costs thereon be sooner paid; which fine so collected shall be entered in the book aforesaid, and applied to the use of the road. And the keeper of said turnpike shall keep constantly posted up on the post of the gate, a printed list of the rates of toll.

Persons who
pass the gate
without pay-
ing, how pro-
ceeded a-
gainst.

Sec. 4. *Be it further enacted*, That if, by sickness, or any unavoidable accident, the keeper of said turnpike cannot attend to the duties of his office, it shall and may be lawful for him to appoint an assistant, for and during such disability. And such assistant shall keep a separate account of the money he receives, and also be sworn to the correctness thereof, as is provided in case of the keeper. And the keeper shall be responsible for the conduct of his assistant; and shall receive quarterly, for his services, to be retained in his own hands, out of the fund collected by the toll, at the rate of two hundred and fifty dollars for each year he shall or may be employed.

Assistant
keeper.

Sec. 5. *Be it further enacted*, That James Walker, of Madison county, shall be, and he is hereby appointed manager of the said turnpike road, from the top of Cumberland mountain, leading to the Crab Orchard, the Grassy Lick on said road, as far as the foot of the north end of what is called the Big Hill, on said road, and to Madison court-house; who shall enter into bond in the office of the clerk of Madison circuit court, with sufficient security, to be approved of by said clerk, to the governor for the time being, in the sum of four thousand dollars, for the faithful performance of the duties enjoined him by this act.

Keeper's pay

A manager
appointed.

1814.

The keeper
to pay over
money to the
manager.

Sec. 6. *Be it further enacted*, That said keeper shall pay over to the manager, or to his order, any monies he may receive from said gate, except his own salary, taken quarterly, as before provided; and he shall take the manager's receipt for all monies paid him; in case of an order, a receipt from the person receiving the money, on the back of the order; which receipt shall be filed by said keeper, and credited by him in his annual settlement, which he shall make under the provisions of this act.

Manager to
lay off road
into precincts
and appoint
surveyors.

Sec. 7. *Be it further enacted*, That the manager aforesaid shall, after entering bond as aforesaid, lay off said road into four precincts, as nearly equal as the nature of the case will admit, and he shall appoint a surveyor over each precinct, directing them to employ not less than eight able-bodied laborers, and to call upon the surveyors now in office for all the public tools that may be in their possession, receipting therefor, and shall report to said manager the number thereof. He shall lay in provisions, and other requisites, for the putting his precinct in the best possible repair for the conveyance of carriages, having a right to make use of any earth, timber or stone, that shall be necessary for repairing said road, with as little injury to the proprietor as may be, upon making a reasonable compensation therefor, which shall be ascertained as in cases of other public roads, and paid out of the funds of said turnpike road. And when each surveyor shall have put his precinct in good repair, he shall make out his account, including his own services, at the rate of one dollar and fifty cents per day, stating each item in full, and the price thereof, and of whom received, including the whole expences, as often in the year as they have labored on said road, with the number of hands aforesaid, unless directed by said manager to work a less number of hands; and having made oath to the correctness of said account, he shall lay it before said manager, who shall examine the same, and if it appear reasonable, and the surveyor has performed the repairs on the road in his precinct, agreeable to the directions of the manager, the account shall be discharged.

Their pay.

Persons to
work on road.

Sec. 8. *Be it further enacted*, That it shall be the duty of each surveyor, and he is hereby authorised to call upon each titheable living within two miles of said turn-

pike road, to work four days in each year, with proper tools, when the surveyor is working on the road in his precinct; and on refusal to attend, or to labor when there, he shall pay one dollar for each day so refusing, to be recovered before any justice of the peace, due proof being made that the proper notice to work was given, except those tithes that are bound to work on some public road by order of the county court; which money shall be accounted for, and appropriated to the use of said road.

1814.

Sec. 9. *Be it further enacted*, That the manager appointed by this act is authorised and required to call upon the former commissioners or directors, for a full and complete adjustment of the accounts of the turnpike institution, whilst they acted in office; and also the manager is authorised and required to call upon Robert A. Sturgus, (who was appointed to settle with said directors) for a complete settlement, so far as he acted in the office enjoined on him. And the several keepers of the turnpike, to wit, John Reed, James Hogan, and the present keeper, Lemuel Hibbard, shall produce their books, or a copy thereof, showing the whole monies they have severally received on account of said turnpike; which books, sworn to be correct by the keeper, shall be produced and made use of in said settlements. And if upon said settlement it shall appear that the commissioners, or Sturgus, have in their hands any monies due said institution, they are hereby directed to pay over the same to said manager; and in case they, or either of them, fail to pay the sum aforesaid, the manager is hereby authorised and directed to institute a suit or suits for the recovery of the same, in any court in this commonwealth having jurisdiction of like sums. And the manager is hereby directed to appropriate said money exclusively to repairing the Rockcastle bridge, and keeping it in repair; the residue, if any, to erecting bridges elsewhere on said road.

The manager
to settle with
the directors,
&c.

Sec. 10. *Be it further enacted*, That the manager, whenever he shall collect a sum or sums sufficient to repair the Rockcastle bridge, and to build a new one or new ones, shall let the building of the same to the lowest bidder; and shall give public notice by advertisement three weeks in the Luminary, printed in Richmond, of the time and place of letting the same; and

Rockcastle
bridge to be
repaired.

1814.

shall take bond and good security, to be adjudged of by said manager, for the faithful performance of the work.

Manager to attend to the keeping the road in repair.

Sec. 11. *Be it further enacted*, That said manager shall attend personally, whilst and where each surveyor is working on his respective precinct, from time to time, directing each of them what repairs is to be done; and it shall be the duty of each surveyor to execute the directions given him by said manager.

To lay before the governor a statement.

Sec. 12. *Be it further enacted*, That the manager shall, on or before the first day of December in every year, lay before the governor a fair statement from the keeper of the turnpike books, of all the monies received that year, and also of all the monies received of the directors, managers and Sturgus, aforesaid, if any; and also of all expenditures laid out on said road, and for repairing and building bridges, for the year, making oath to the same.

Citizens of Knox exempted from paying toll.

Sec. 13. *Be it further enacted*, That hereafter the keeper of the turnpike shall not demand or receive of any citizen of Knox county, any toll for themselves or property passing the gate, any law to the contrary notwithstanding.

No road to be opened to avoid the turnpike.

Sec. 14. *Be it further enacted*, That no road shall be opened by order of court, whereby any person can avoid going through the turnpike; and all such roads which may have been ordered to be opened, shall be deemed null and void, and no person shall be bound to work thereon, either in opening or keeping the same in repair.

Manager's pay.

Sec. 15. *Be it further enacted*, That the manager aforesaid shall be allowed two dollars per day for every day he may be necessarily employed in discharging the several duties enjoined him by this act, and shall make oath before some justice of the peace, the number of days he has been necessarily employed as aforesaid. And in case the said manager should die, or refuse to act, agreeable to the provisions of this act, it shall be the duty of the county court of Garrard to appoint a manager in his stead, (a majority of all the justices of said county being present) who shall be governed by the same rules and regulations as the manager hereby appointed.

Keeper's duty.

Sec. 16. *Be it further enacted*, That it shall be the duty of the keeper of the said turnpike to note, in a book to be kept for that purpose, all monies by him received

from such waggoners or pack-horse men as may be travelling to and from Goose creek salt-works; one half of which money shall be appropriated to clear out and repair the road leading from the said wilderness road at Andrew Craig's, to the said Goose creek salt-works; and the said keeper of the turnpike, once in every year, make affidavit before some justice of the peace, of all monies received by him; which affidavit he shall transmit to the Clay county court: *Provided, however,* that no person shall hereafter be compelled to pay toll, who shall make oath before the keeper of the gate (and he is hereby authorised to administer the same) that he is unable to pay said toll. 1814.

Sec. 17. *Be it further enacted,* That all acts and parts of acts coming within the purview of this act, shall be, and the same are hereby repealed. Repealing clause.

Sec. 18. *Be it further enacted,* That the county courts of Madison, Rockcastle and Knox, shall each appoint one fit and discreet person to act as commissioners for overlooking the management of the turnpike and wilderness road; whose duty it shall be twice a year to view said road; and if at the end of any year a majority of said commissioners shall be of opinion that the funds of the turnpike have been unequally or improperly managed, or that the manager hath neglected to appropriate the money by him received to repairing the road as directed by this act, they may, upon oath before some justice of the peace, make report accordingly to the county court of Garrard; who, upon the production of said report, and investigation of the matter, may remove the manager from office, and appoint a successor, as directed by this act; and it shall be the duty of the manager and his successors, if required, to exhibit to the commissioners a statement of the receipts and disbursements in the management of said turnpike road, at least twice each year. The commissioners shall be allowed two dollars per day, for the time they shall be necessarily employed in performing the duties assigned them by this act; and the manager is hereby directed to pay said commissioner or commissioners for their services, upon the production of a certificate from some justice of the peace, that the commissioner had made oath that he had been employed in said business the number of days therein stated. Comm'rs. to be appointed —their duty. Their pay.

DECEMBER SESSION,

1814.

CHAPTER CCXXI.

An ACT to authorise the sinking a Well on the public square in the Town of Litchfield.

Approved February 2, 1815.

A majority of the justices in the county, in county court, were authorised to cause the well to be dug, and pay for it out of the county levy.

CHAPTER CCXXII.

An ACT for the relief of Thomas and Norris Metcalfe, William Teague and Samuel Holmes.

Approved February 2, 1815.

The act authorised changes of venue in their favor.

CHAPTER CCXXIII.

An ACT granting certain Lands to James Crawford, Solomon Tabor and William Stewart, for the benefit of Salt-Works.

Approved February 3, 1815.

The act gave them 1000 acres of land, to include a salt spring, in Barren county, at \$20 per 100 acres, on condition of their manufacturing 1000 bushels of salt on it within three years.

CHAPTER CCXXIV.

An ACT providing for the repairing of the Governor's House.

Approved February 3, 1815.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That the governor is hereby authorised and requested to cause such repairs to be made to the governor's house as he may deem necessary for the preservation of the building, and the decent appearance of the house; and also such other repairs as he may deem necessary for the comfort and convenience of the family residing in it. And the person or persons making such repairs, shall present their accounts to the governor, who, if he approves the same, shall certify the same to the auditor of public accounts, whose duty it

XXIII. YEAR OF THE COMMONWEALTH.

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shall be to issue his warrant or warrants to the treasurer for the amount so certified, who shall pay the same out of any money in the treasury not otherwise appropriated.

1814.

CHAPTER CCXXV.

An ACT to authorise the Trustees of the Town of Frankfort to extend Catfish and Buffaloe Alleys.

Approved February 3, 1815.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That the trustees of the town of Frankfort, shall be, and they are hereby authorised to open Catfish alley, from the Broadway to Clinton street, so as to make the same a street forty-five feet wide, which shall be hereafter called and known in the plan of said town by the name of "Madison street;" also to open Buffaloe alley from Clinton street to the courthouse, so as to make a street of the same width; which shall be hereafter called and known in the plan of said town by the name of "Lewis street." And the trustees shall have the same power to prevent or remove nuisances from said streets as they have in other streets in said town; and they shall be and remain forever hereafter streets in said town.

CHAPTER CCXXVI.

An ACT for the benefit of Fielding Jones, late Sheriff of Henderson County.

Approved February 3, 1815.

He had sent the money due from him as sheriff by a person who had failed to pay it into the treasury, in consequence of which two judgments had been obtained against him: This act remitted the interest and damages, and gave him a year's indulgence for the principal.

CHAPTER CCXXVII.

An ACT for the relief of the Sheriff of Nelson County.

Approved February 3, 1815.

He had been appointed to fill a vacancy occasioned by the death of the former sheriff, and was in consequence embarrassed with a pressure of business: This act gave him longer time to comply with several requisitions of

1814.

CHAPTER CCXXVIII.

An ACT to incorporate the Lexington White Lead Manufacturing Company.

Approved February 3, 1815.

Preamble.

WHEREAS it is represented to the present general assembly, that a manufactory has been erected in the town of Lexington, for the purpose of manufacturing white lead, red lead, sugar of lead, letherage and patent yellow, at great expences and labor to the proprietors, who, from divers causes, are unable to carry the same into full effect, without injury to their usual pursuits, and they having solicited an act of incorporation: Therefore,

Present owners, &c. incorporated.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That Samuel Trotter and George Trotter, jun. William Leavy, Joseph H. Hawkins, Littleberry Hawkins and Frederick Ridgely, the present proprietors of the said manufactory, together with all such persons as shall hereafter become shareholders in the manner hereinafter directed, shall be, and are hereby erected into a corporation and body politic, by the name style and title of "The Lexington

Name & style

Regulations.

White Lead Manufacturing Company;" and shall so continue until the first day of January, in the year one thousand eight hundred and thirty-five; and by that name, style and title, are hereby made able and capable in law, to have, hold, purchase, receive, possess, enjoy, and to retain to them and their successors, land, rents,

Property, to what amount to be held.

tenements, hereditaments, goods, chattels and effects, of what kind, nature or quality soever, to an amount not exceeding their capital stock: and the same to sell,

To dispose of it.

grant, demise, alien or dispose of, and to sue and be sued, plead and be impleaded, answer and be answered,

Seal to make, use & alter.

defend and be defended, in any court of law or equity, or in any other place whatsoever; and also to make, have and use a common seal, and the same to break,

By-laws to make.

alter, or renew at their pleasure; and also to make, ordain, establish and put into execution, such by-laws, ordinances and regulations, as shall seem to them necessary and convenient for the government of said corporation, and which are not contrary to law; and generally, to do and execute all and singular, the acts, matters and things which to them it shall or may apper-

tain to ; subject, nevertheless, to the rules, regulations, restrictions and limitations hereinafter prescribed: *Provided, however,* that the estate and property of all and every individual share-holder, who holds or possesses stock in said corporation, shall, at all times be liable and subject in law, in proportion to his or her interest therein, to pay and satisfy all debts and demands contracted by said corporation, during the time he or they held stock therein, upon a failure of the incorporate funds to discharge the same.

1814.

Sec. 2. It shall be lawful for any person, co-partnership or body politic, to subscribe for, or purchase at public auction, such or so many shares as he, she or they may think fit, under the regulations hereinafter prescribed or authorised, until the number subscribed or purchased, together with the sums already expended, laid out or engaged by the present proprietors, shall amount to five hundred shares.

Subscribers.

Sec. 3. Each share shall be one hundred dollars, payable in notes negotiable at the bank of Kentucky, or either of its branches, or at the office of the Kentucky Insurance Company, one half at 30, the other half at 60 days after date, with approved indorsers. In case any subscriber or purchaser at auction, shall fail to pay the amount of his, her or their note or notes, when the same becomes due, the deficiency may be recovered of the delinquent and their endorser or endorsers, by suit.

Shares.

Deficiency recoverable.

Sec. 4. Subscriptions for shares in the said corporation, may be received by Richard Higgins, John Tilford and George Trotter, jun. or sold by them at public auction, after at least two weeks notice in one of the public newspapers in Lexington, if requested by a majority of the owners of two thirds of the then stock, until the first meeting of the share-holders under this act ; a majority of at least two thirds shall then designate the persons to receive subscriptions or sell stock, under the regulations which the said share-holders, or a majority of two thirds of the owners of the stock, shall then make.

Who to receive subscriptions.

Sec. 5. The share-holders shall meet for the purpose of electing a president and two directors at the house of John Postlethwait, in Lexington, on the second Monday in February next, and on the same day in every

Share-holders to meet & elect a president, &c.

1814.	year thereafter, for the same purpose, at their office or place within the town of Lexington, as the president and directors then in office shall appoint; of which appointment, fourteen days notice shall be given in one of the Lexington newspapers. The president and directors shall continue in office one year from the time of their election. And in case it shall at any time happen that an election of president and directors should not be made at the time required by this act, the said corporation shall not for that cause be deemed dissolved; but it shall be lawful for the president and directors who were last in office, to continue as such until there is a new election; and it shall be their duty, in the manner which shall be regulated by the by-laws, to appoint another day for electing a president and directors to serve for the remainder of the year. And in the event of the death, resignation or removal from the state, or refusal to act, of a president or director, his place may be supplied by a new election, specially convened for that purpose.
How long in office.	
Vacancies—how filled.	
What number to be a board.	Sec. 6. The president and one director, or two directors in the absence of the president, shall form a board; and the president, or two directors in his absence, shall at any time have power to call a general meeting of the share-holders.
Managers—how appointed.	Sec. 7. The president and directors, for the time being, shall have power to appoint or employ such managers, mechanics, clerks or servants, as they may think necessary for the business of said corporation; and to allow them respectively, such compensation for their services as they may deem proper, and to require security for their upright discharge of their several functions and trusts; and shall be capable of exercising such other powers and authorities for the well governing and ordering the affairs of the said corporation, as shall be described and determined by the laws and ordinances of the same.
Transfers.	Sec. 8. The shares in said company shall be transferable, under such regulations as may be provided by the laws of said corporation.
Votes	Sec. 9. The number of votes to which each shareholder may be entitled at a general meeting, shall be according to the number of shares he may hold, in the

proportions following: That is to say, for one share, and not more than two shares, one vote; for every two shares above two, and not exceeding ten, one vote; for every five shares above ten, one vote; but no person, co-partnership or body politic, shall be entitled to a greater number than thirty votes; neither shall any person as proxy, be entitled to more than thirty votes; nor shall any share-holder be entitled to vote in person, or by proxy, on any share or shares, held and owned less than six months.

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Sec. 10. At the annual general meetings, the president and directors shall lay before the share-holders a statement of the accounts, with such other information as they may think necessary, when such dividend of the profits shall be declared, as the president shall think advisable.

Annual meet-
ing.

Sec. 11. The said corporation shall have power to Oil.
manufacture oils.

Sec. 12. The lands held and owned by the said cor- Land.
poration, shall not exceed ten acres.

Sec. 13. *And be it further enacted,* That it shall be the duty of the said corporation, and they are hereby expressly enjoined and required, to invest, appropriate and employ, the full amount of the capital stock aforesaid, in the establishment of the manufactories hereby authorised, and the purchase or procurement of raw materials, to be employed in the various manufactories contemplated by this act; and such capital stock exclusively to invest, appropriate and employ, in promoting the manufacturing objects of the said corporation aforesaid; and at no time, and on no occasion whatever, to divert from this its legitimate object, any portion of the said capital, or to appropriate or employ any part thereof whatsoever, to banking purposes, under pain of forfeiting entirely this charter, and all and every advantage and privilege hereby conferred. And moreover, the legislature shall, at all times, have power to repeal this act, by any violation of the true intent and meaning of any part of the prohibitions herein contained.

Capital, how
to be vested.Power to re-
peal.

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CHAPTER CCXXIX.

An ACT to provide for the payment of certain Militia of this State.

Approved February 3, 1815.

Had its effect.

CHAPTER CCXXX.

An ACT authorising a certified transcript of any record of the Auditor, Treasurer or Register, to be evidence in Law.

Approved February 3, 1815.

WHEREAS doubts have arisen how far certified transcripts from the books and records of the auditor's, treasurer's and register's offices, are admissible evidence in judicial proceedings: Therefore,

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That all transcripts from the books and records of the auditor's, treasurer's or register's offices, properly certified, shall be good and admissible evidence in all courts of justice, and other judicial proceedings in this state, of the facts contained in such transcript.

CHAPTER CCXXXI.

An ACT for the relief of James Barnett.

Approved February 3, 1815.

The act authorised the return to the register's office of a plat and certificate of survey, not returned within the time prescribed by law.

CHAPTER CCXXXII.

An ACT to amend the several acts, authorising the change of venue in civil cases.

Approved February 3, 1815.

See pages 74 and 108, of this Volume.

Change of
venue may
be had.

SEC. 1. BE it enacted by the General Assembly of the Commonwealth of Kentucky, That all suits cognizable in any of the circuit courts of this commonwealth,

where either of the parties shall conceive that he, she or they will not receive a fair trial in the court where such suit is pending, owing to the interest or prejudice of any judge or judges of the said court, or the judges will not sit, or to the interest or prejudice of the clerk, sheriff or coroner, where the sheriff or coroner is a party, or to the undue influence of his, her or their adversary or adversaries, or to the odium which attends the said party, or that his, her or their cause of action or defence, though legal, is odious, it shall be lawful for the party so suspecting he, she or they, will not receive justice in the court then sustaining the said suit, owing to the said causes, or any of them, at any time to petition a circuit judge, or the two assistant judges of the circuit courts of this commonwealth: *Provided*, the cause of application shall not apply to either the circuit judge or the assistant judges of said circuit; in that case the application shall be made to that one of the other circuit judges who may reside nearest the court wherein such suit is depending, for a change of venue for the said cause; which petition shall distinctly set forth the cause or causes why such fear is sustained, and be supported by the affidavit of the petitioner or petitioners. And it shall, and may be lawful for said judge or judges, on the receipt of said petition, supported by the affidavit aforesaid, under his or their hand, to award a change of venue, and order the clerk of the court before whom the suit is then depending, to send forward the papers in the said suit (by some meet person employed by the said clerk) to such court having jurisdiction in similar cases, as the said judge or judges may direct; and the clerk of such court shall receive the said papers, giving a receipt therefor, and docket the said suit in order, with other causes; and the court to which the said papers are sent, shall be, and they are hereby vested with full power, authority and jurisdiction, to award *subpoenas* for witnesses, to enforce their attendance, to grant commissions for taking depositions, to hear and determine the said controversy, to award execution; and to do all other matters and things relative thereto, which the said court from which the said cause was removed might, or could legally have done.

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The causes for which a suit may be removed.

Party to prefer a petition for a change of venue.

Proceedings thereon.

Duty of the clerk of the court.

Power of the court to which removal is made.

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Expences of removal, how paid.

Party giving notice & failing to comply, to pay the cost.

How recovered, and amount.

To whom application for removal to be made.

Judge granting a removal to keep a duplicate of his order.

Sec. 2. *Be it further enacted*, That the expences attending the removal, shall be paid by the party praying the same; and the person who shall be entrusted to convey said papers to the clerk of the circuit court to which they shall be sent, shall, and may receive the sum of five cents for each mile he must necessarily travel in going to, and returning from said clerk's office; which sum shall be paid into the hands of the clerk of the court where said suit originated, before the papers shall be delivered out of his office; and if any party to any suit pending as aforesaid, shall notify the adverse party of an application to be made by him for a change of venue, and shall fail to apply for, to obtain, or to use the same, it shall, and may be lawful for the circuit court in which such suit is pending, at their term next succeeding the receipt of such notice, upon the motion of the person so notified as aforesaid, to enter up a judgment in favor of the person requiring, and against the person giving such notice, and failing as aforesaid, for a sum at the rate of three cents per mile, for the distance which the plaintiff in such motion may have travelled to attend said application.

Sec. 3. *Be it further enacted*, That all applications for orders to change the venue in suits depending in the circuit courts of this commonwealth, shall be made to the circuit judge, or two assistant judges, of the court where the suit or suits are depending, unless the cause of the removal shall be personally applicable to said circuit judge or assistant judges; in such case application for such change of venue, shall be made to that one of the other circuit judges whose residence shall be nearest to the place at which the circuit in which such suit shall be pending is held: And in all cases where a change of venue is granted under the provisions of this act, it shall be the duty of the judge or judges granting such change of venue, to remove the same to some adjoining county, to which the causes of such removal do not apply, nor neither of the parties litigant reside.

Sec. 4. *Be it further enacted*, That any circuit judge, or assistant judges, granting an order for a change of venue, shall preserve a duplicate of such order; which, upon the request of the adverse party in the said suit, shall be delivered to him by the judge or judges awarding the same; and upon the failure of the party obtain-

ing such order, to file the same with the clerk of the circuit in which such suit is pending, within ten days from the date thereof, and to comply with the other legal requisitions for the removal of the suit, it shall, and may be lawful for the adverse party, having obtained the duplicate order as aforesaid, to file the same; and by the payment of the costs which have been incurred, to procure the removal of such suit in the same manner, and with the same legal effect, as the applicant for such order might, or could have done. And there shall be not more than one removal of the same cause.

Sec. 5. *Be it further enacted*, That the clerk of the court before whom the suit originated, shall be answerable for the fidelity of the person whom he may employ to convey said papers from his office to the office of the clerk of the court to which they shall be sent; but shall not be answerable for accidents not arising from neglect.

Sec. 6. *Be it further enacted*, That a wish for a change of venue, shall be a good ground for the continuance of the cause, if the application is made at the term to which the process is returned executed; and if the party shall file an affidavit, stating that he, she or they, do verily believe they cannot have a fair trial in said court, owing to some of the causes before enumerated, accompanied with a petition for a change of venue: *Provided*, *always*, that reasonable notice to the adverse party, of the intended application, is all that shall be required.

Sec. 7. *Be it further enacted*, That the venue in no case shall be changed, unless the party who prays the same, shall deposit the order of the judge removing the same, together with the petition and affidavit aforesaid, with the clerk having the custody of the papers, at least thirty days before the court to which such suit shall be set for trial; and the said order, petition and affidavit, shall be carefully preserved by the clerk: *Provided*, *however*, that it shall be the duty of the clerk of the court in which the suit so ordered to be removed is pending, at the time of such removal, to transmit, together with a transcript of the record and proceedings in the cause, a certified copy of the petition, affidavit and judge's order of removal, to the office of the court to which the said removal is made; which shall be filed, and remain in such office, as a part of the record in the suit.

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Party obtaining order for change, does not remove suit, adverse party may try on certain terms. A suit cannot be removed but once.

Clerk answerable for the fidelity of the person entrusted with the papers to be removed.

A wish for a change of venue good ground for continuance, upon the party performing certain conditions.

Proviso.

No change of venue granted unless the order for removal is filed 30 days before the court at which such suit is set for trial. Proviso.

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 Notice to be given of the application for a change of venue, and to whom

Sec. 8. *Be it further enacted*, That no change of venue shall be granted, until the party applying for such change, shall produce to the judge, to whom such application shall be made, sufficient proof that the opposite party has had reasonable notice, in writing, of the time and place such application is intended to be made; or in case of his absence out of the county, to his, her or their agent or attorney in fact, or attorney at law; which notice shall be certified by the judge granting such change, to the clerk where the suit was commenced.

Penalty for making a false oath to any petition for a change of venue.

Sec. 9. *Be it further enacted*, That if any person or persons making oath to the truth of the allegations in his, her or their petition contained, for a change of venue, shall take a false oath, and be thereof convicted, he, she or they shall be adjudged guilty of perjury, and suffer the pains and penalties thereof: *Provided*, that the prosecution of such offence be commenced within twelve months after such offence is committed: *And provided also*, that no sheriff, justice or coroner, charged as aforesaid, or adversary in the said cause, shall be admitted as a witness against the defendant in such prosecution.

Proviso.

Parties by consent may remove a suit.

No cause removed under the former law, may be removed again. If the order of removal is not filed, to be void.

Sec. 10. *Be it further enacted*, That it shall and may be lawful for the parties to any suit, by themselves, attorneys or agents, by consent, to have an order made for the removal of said suit to any other court holding like pleas; and the said court to which such removal shall be ordered, shall thereupon hold all the jurisdiction over said suit which the former court held previous to said removal.

Sec. 11. *Be it further enacted*, That no cause which has been heretofore removed under the present existing law, shall be again removed under this law.

Sec. 12. *Be it further enacted*, That if any order for a change of venue shall not be filed by the party obtaining the same, with the necessary expences, before the next term of the court where the suit is depending, as directed by this act, such order, as to such party, shall be null and void, and no clerk shall obey the same: *Provided, however*, that nothing herein contained shall prohibit the opposite party from filing the duplicate, and receiving the benefit thereof, as directed by this act.

CHAPTER CCXXXIII.

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An ACT to amend and reduce into one the several acts respecting the Militia.

Approved February 4, 1815.

SEC. 1. BE it enacted by the General Assembly of the Commonwealth of Kentucky, That the following laws and regulations for the government of the militia of this state, be hereafter observed and followed by all persons whatsoever, hereby repealing every former law, rule and regulation, heretofore enacted or adopted by the authorities of this state relative thereto. The judges of the superior and circuit courts, the treasurer, auditor, attorney-general, secretary of state, register of the land-office, and their clerks; professors and tutors of public seminaries of learning; the public printer, and such as may be necessarily in his office; ministers of religious societies, keepers of public jails, the guards employed in the jails and penitentiary house, the president, cashiers and clerks employed in the Bank of Kentucky and its branches, shall be exempted from military duty, as to attending musters, except to stand a draft, or serve a tour of duty; and in that case none shall be exempt, except ordained ministers of the gospel.

SEC. 2. The enrolled militia shall be laid off into divisions, brigades, regiments, battalions and companies. The divisions, brigades and regiments shall be laid off by the governor for the time being, and be subject to such change as he may deem expedient. The field officers of the regiments are hereby authorised to form, alter or modify the boundaries of battalions and companies within their said regiments, as they, or a majority of them shall deem most proper, and the adjutants shall keep a record thereof. The freemen of this commonwealth (negroes, mulattoes and Indians excepted) shall be armed and disciplined for its defence. Those who conscientiously scruple to bear arms, shall not be compelled to do so, but shall pay an equivalent for personal services; which equivalent shall be one dollar per day for each muster, but in case of invasion, insurrection or war, where such persons are called into service they shall be permitted to find an able-bodied substitute in lieu of personal service; or if any conscientious person shall fail to furnish such substitute, the captain of the de-

All former laws repealed.

Who exempted from mustering, but not from draft

None but ministers of the gospel exempted altogether.

Militia to be laid off into divisions, &c. by the governor.

Field officers may alter the bounds of battalions, &c.

Free men to be armed for defence, except those who conscientiously scruple to bear arms; and regulations respecting an equivalent for personal services as to musters, and

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relative to
their furnish-
ing substi-
tutes for ac-
tual service.

tachment to whose company he belongs, shall be author-
ised and is hereby directed to hire a substitute for such
conscientious person, who shall be bound to pay such
substitute a sum, not exceeding one dollar per day, as
said captain may agree to be paid; and said sum agreed
to be paid by the captain, shall be recovered before any
court, or justice of the peace, having jurisdiction of like
sums, by action of debt, or any other action usual in
sums of like magnitude, in favor of such substitute
against such conscientious person; which stipulated
sum shall be due and payable so soon as the substitute
is discharged from service; or in case of his death,
shall be payable to his representatives, so soon as the
term of the corps to which such substitute was attached
expires; and in case individual property shall not be
found sufficient to satisfy the amount to such substitute,
the officer charged with the collection shall call upon the
agent or superintendant of the common stock of the sect
or community to which such conscientious person be-
longs, and if he fails to pay the amount, he shall levy
and collect the amount on the common stock, or on any
property belonging to the sect to which such conscien-
tious person belongs; and on failure to make the amount,
arrest such conscientious person and confine him in the
jail of the county, as other debtors, until the amount is
paid.

Appointment
of staff offi-
cers.

Inspectors &
quartermas-
ters of divi-
sions to be ap-
proved by se-
nate.

Non-commis-
sioned staff
to each reg't.
appointed by
commandant;
captains to
appoint non-
commission-
ed officers, &
field officers
& captains to

Sec. 3. The commanding officers of divisions, shall
appoint their aids, division inspectors and quartermas-
ters; brigadier generals, their aids, brigade majors and
quartermasters; commanding officers of regiments, their
adjutants, quartermasters, paymasters and surgeons;
who shall be commissioned by the governor: *Provided*,
that division inspectors and quartermasters, and brigade
quartermasters, shall be approved of by the senate.
There shall be a non-commissioned staff to each regi-
ment, to consist of one sergeant-major, drum-major and
fife-major, to be appointed by the commandant thereof;
and captains of companies shall appoint their non-com-
missioned officers. A majority of the field officers and
captains in each regiment, shall nominate the commis-
sioned officers in each company, who shall be commis-
sioned by the governor: *Provided*, that no nomination
shall be made unless two at least of the field officers are
present; and when two or more persons have an equal

and the highest number of votes, the field officer present who may be highest in commission, shall decide the nomination.

Sec. 4. The governor shall provide for raising companies of grenadiers, light infantry, cavalry, riflemen and artillery, agreeable to the laws of the United States, at his discretion; and when raised and officered, they shall be subject to the laws and rules of the said United States, and of this state, as other militia.

Sec. 5. It shall be the duty of each major general to receive from the adjutant-general copies of requisitions of men made by the government upon his division; and shall without delay make a detail on the brigades in his division, agreeable to the returns made by the brigade majors, and shall issue his orders to the brigadiers accordingly; and to attend the several regimental musters in the bounds of his division, once in every two years at least. Whenever the major general may choose, he may attend at any muster or review whatsoever, and give any orders for the disciplining of the troops that he may deem expedient.

Sec. 6. It shall be the duty of the brigadier general to receive from the adjutant-general, or major general, copies of requisitions on his brigade, and shall make a detail on the regiments in his brigade, agreeable to the returns made by the adjutants of regiments, and give orders to the commandants of regiments accordingly. It shall be the duty of the brigadier general to appoint the time of regimental and battalion musters in each year, written notices of which he shall give to the commandants of regiments, on or before the first day of February in each year. It shall be his duty to visit each regiment in his brigade annually, on their regimental muster days, and review them; and whenever he may be present at any muster in his brigade, he may order and direct the discipline and exercise thereof, if the occasion in his opinion should require it. He shall also furnish his major general with a list of the days appointed by him for regimental reviews. He shall have power to order the officers, non-commissioned officers and musicians, of two or more regiments in his brigade, to be trained together at some place within the bounds of his command, to continue not less than two days nor more than four, at his discretion; which training shall

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nominate officers of companies.

Where votes are equal, the highest officer to decide the nomination.

Governor to provide for raising companies of grenadiers, light infantry, cavalry, riflemen and artillery.

Maj. gen's. to receive from adj't. gen. requisitions for men made by the government, & make details on his brigades—to attend regimental musters.

He may attend musters or reviews, & give orders, &c.

Brigadiers to receive requisitions from adj't. gen. & maj. general; make details, and give orders accordingly.

To appoint regimental & battalion musters.

When written notices of musters to be given to the commandants of regiments. To visit each

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regiment annually. He shall furnish maj. gen. with a list of regimental musters. He shall order non-commissioned officers of two or more regiments to be trained in Sept. annually. Comm'd'ts of regiments to receive requisitions from brigadiers, & make details on their companies & give orders accordingly. Receive written notice from the gen. of brigade of regimental musters. Shall give like notice thereof to commandants of battalions, of the regimental muster & assessment, and of training. Training not less than two, nor more than four days. To encamp on the ground. Brigade and regimental training, not in the same year.

be in the month of September annually; and whose duty it shall be to encamp the troops on the ground, and superintend such training in person; of which training he shall notify the commandants of regiments in his orders for the musters.

Sec. 7. Commandants of regiments shall receive from the brigadier, copies of requisitions made on their regiments, who shall make the detail on the several companies of said regiment, agreeable to the strength of the companies, and issue his orders to the several commandants accordingly. The commandant of each regiment shall receive the written orders of his general of brigade, for the times of holding regimental and battalion musters for the year; and shall give like notice thereof to the commandants of battalions, on or before the 15th day of February in every year; to which he shall add the place of holding his regimental muster and court of assessment, and the time and place of training; which training shall continue not less than two nor more than four days, at the discretion of said officer, and to encamp on the ground, to perform the duties in camp as well as that of the field; which training shall be by the commanding officer of said regiment: *Provided, however,* that where a brigade training is ordered, there shall not be a regimental training in the same year: *Provided also,* that it shall be the duty of the commanding officers of each regiment, at all trainings, to call the rolls, and note and report the delinquencies [to] the judge advocate of his regiment; or if a field officer, to the brigadier general; and if the commandant is a delinquent, the adjutant shall return him accordingly. It shall be his duty to attend to the regimental and battalion musters; he may also attend the company musters, when he may choose to do so, and give such orders as he may think proper. Whenever vacancies in his regiment shall render it necessary, he shall convene the field officers and captains of his regiment, to nominate proper persons to fill vacancies therein.

Sec. 8. It shall be the duty of the major general, brigadier general and commandants of regiments, upon receiving notice of an invasion or insurrection, immediately to embody such force as they may deem competent for the emergency, and give the earliest notice thereof to their next superior officer, and the governor.

Sec. 9. It shall be the duty of commandants of battalions to receive the written orders of the commandants of regiments, for the days on which the regimental and battalion musters shall be appointed for the year, and give a written notice thereof to the commandants of companies within their respective battalions, on or before the first day of March in every year; adding thereto the places of holding the regimental and battalion musters, and court of assessment. They shall exercise their battalions on their days of muster; and when they may be present at any company muster, they may superintend their exercise, if they think proper.

Sec. 10. The commanding officers of companies shall receive from the commandants of battalions, the written notices of the days and places where the regimental and battalion musters in each year are to be held; to which the said commandants of companies shall add the days and places appointed for the muster of their companies for the same year, as well as the time and place of the sitting of the court of assessment; and they shall, on or before the 15th day of March in each year, deliver a certificate of the musters so ordered, and courts of assessment, to the non-commissioned officers; whose duty it shall be to receive, and deliver to, or leave at the place of lodging, or the usual place of abode of each subaltern and non-commissioned officer, musician and private in the company to which he belongs, a like written notice, on or before the first day of April in each year; but in all cases where any person may move into the bounds of any company, or arrive at the age of eighteen years, after the first day of April in any year, the commandants of companies shall, as soon as possible, give to such person a like notice in the same manner: *Provided*, in all cases where any militia man receives three days notice of any muster, it shall be lawful: *And provided further*, that it shall be the duty of commanding officers of companies, from time to time, to cause all persons to be notified to attend muster, who from accident or neglect failed to receive a notice before the first day of April. The commanding officer of each company shall make a complete roster of his company, and number the men from one up to the number of men in his company, placing all those who have not performed duty, on the lowest number in the company, by lot;

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Commanding officers to call the rolls and note delinquents.

Colonel shall attend regimental & battalion musters.

Where vacancies occur, to convene officers to make nominations.

How officers to proceed in case of invasion or insurrection.

Regimental and battalion musters.

Notice to captains.

Captains to receive notice of regimental & battalion musters, and days

and places of company musters.

Captains to give notice of company musters.

In cases where persons move to bounds, or

arrive at the age of eighteen years,

captains shall give notice in like manner.

Three days notice of muster shall be

lawful.

Captains to cause notice

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to be given to
all persons
who have not
been notified,
by accident or
neglect.

Captains to
make out ros-
ters.

Captain to
draw for ab-
sentee.

How captain
to proceed
when a detail
is ordered.

Proceedings
when a man
moves out of
the bounds of
a company.

Proceedings
to be used by
the officer
whose compa-
ny he joins.

How to place
those arriv-
ing at eigh-
teen years.

Captains to
appoint place
to receive
substitutes.

Proceedings
when substi-
tutes enlist.

Receipts for
substitutes
not transfera-
ble.

after them, those who have performed the lowest number of tours, by lot, the next in number; and so on, placing those of the lowest tours next on the roll; and proceed in this manner until all have drawn their numbers; and in case of any person being absent, or refusing to draw, the captain shall draw for him; and when a detail is made on the company, the captain shall begin with the first man on the roster, and call out the number of men required, according to their numbers. And when any man moves into the bounds of a company, he shall produce a certificate from the captain to whose company he formerly belonged, showing the number such man held in the company; and the officer shall place him next preceding the man of the same number, or next number entitled to the same credit; and in case he fails to produce such certificate, the officer shall place him first for service; and those arriving to the age of eighteen years, shall be placed next to those who have not served, and if all have served, then with those who are first for service. And where marching orders are given, captains may appoint some place in the bounds of the regiment or regiments from which their companies were detailed, where they may receive substitutes in place of those detailed for service, provided they are able-bodied men, and such as the captains will approve of; and if approved of, they shall receipt for the same to the person furnishing such substitute, which shall be evidence to the officer from whose company such detail is made, that such person is entitled to a credit, which credit shall be entered in each company book, after such troops are discharged from service, for the time the detachment have served, and no longer; and if the substitute enlists in the service of the United States, the credit shall be given for the time such detachment was detailed for service: *Provided*, that nothing herein contained shall be so construed as to authorise the transfer of any receipt for a substitute, or discharge for service performed, so as to clear any person from the performance of duty, but the person who actually performed such duty, either in person or by his substitute, as such entered on the muster rolls of the company while in service. And each man furnishing such substitute, shall be bound to attend all the musters directed by this act.

Sec. 11. It shall be the particular duty of the lieutenants and ensigns to assist in the exercise and discipline of their companies, and report every defalcation or disobedience in the government and exercise thereof.

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Duty of lieutenants & ensigns.

Sec. 12. All officers of every grade shall implicitly obey the orders of their superiors; and in case of the absence, death or inability of any officer, the next in rank shall take the command, and discharge all the duties required by this act of his superior, during such vacancy, absence or inability.

Orders of superior officers to be obeyed. Next in rank to take command, &c.

Sec. 13. In case the brigadier general should fail to notify the commandants of regiments of the time of holding the regimental and battalion musters in the bounds of his brigade, within the time prescribed by law, the commandant of such regiment shall appoint his own regimental and battalion musters; or in case of failure on his part, the majors of the battalions composing such regiment, shall appoint and give notices of the times and places of holding their battalion musters.

How to proceed when the brigadier fails to give notice of musters.

Sec. 14. The adjutant-general shall keep his office in the state-house, or such other house as the legislature shall provide. He shall keep a fair record of all orders and communications which he shall from time to time receive from the commander in chief of the state, and obey all orders from him relative to the duties of his office. He shall receive the annual returns from the brigade majors and division inspectors, from which he shall make out a general return of the whole strength of the militia of this state, which he shall lay before the commander in chief, on or before the tenth day of December in each year; a duplicate of which return he shall, without delay, forward to the secretary of war of the United States. He shall furnish blank printed forms of annual returns of divisions, brigades, regiments, battalions and companies, on or before the first day of April in each year, which, when made out, shall show the strength, arms and accoutrements, as well as the number of men that have performed a tour or tours of duty, and the number subject to the next call to be made on the militia; and the public printer is hereby authorised and required to print the same, on application of the adjutant-general. All letters or packages coming to, or sent by him, relative to the duties of his office, by mail, shall be paid for by the state, on the same being certifi-

Adj't. general's duty, &c.

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ed by the governor, that they relate to the duties of his office ; which the governor shall certify to the auditor of public accounts, for payment accordingly. And he shall perform such other duties as are enjoined on him by the laws of the United States and of this state. He shall be entitled to a compensation for the duties enjoined on him by the laws of this state and the United States; of one hundred and fifty dollars per annum, for which the auditor of public accounts is hereby required to issue his warrant on the treasurer for payment accordingly: *Provided, however,* that he shall produce the governor's certificate that the duties of his office shall have been faithfully performed: *Provided, however,* that when a detachment is ordered to march, he shall furnish the necessary blank muster rolls, morning, weekly and monthly reports, and shall keep a roster of the general and field officers, to enable the governor to make a detail therefrom ; and the secretary of state is hereby directed to furnish a list of the several appointments of officers in his office, to the adjutant-general.

Quartermas-
ter general—
where to
keep his of-
fice, his duty,
&c.

Sec. 15. The quartermaster-general shall keep his office in the state-house, or such other house as may be provided by law. He shall keep a fair record of all orders and communications which he shall from time to time receive from the commander in chief of the state, and obey all orders from him relative to the duties of his office. He shall collect and keep safely all arms and military stores belonging to the state, which shall be subject to the orders of the governor ; and he shall issue blank printed forms of estimates, annually, on or before the first day of April, to the division, brigade and regimental quartermasters ; which estimates, when made out, shall show the quantum of arms, camp equipage, &c. ; which estimates shall be made out from the annual returns which shall be furnished the several staff officers whose duty it is to make out the returns, on the application of any quartermaster, after the times for making their annual returns. And in case of a detachment being ordered to march, he shall furnish such blank printed forms as may be necessary in the quartermaster's department ; which blanks the public printer is hereby directed to print, on application of the quartermaster general. All packages and letters sent to or from him, relative to the duties of his office, shall be paid

for by the state, in the same manner as those sent to or from the adjutant-general. He shall be entitled to, as a compensation for his services, one hundred and fifty dollars per annum, which shall be paid in the same manner as is provided for in the payment to the adjutant-general; and the secretary of state is hereby directed to furnish the quartermaster-general with a list of officers in his office, to enable him to direct the blanks to the several officers entitled thereto.

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Sec. 16. Aids-de-camp shall carry and execute the orders of their generals; division inspectors shall execute the orders of their generals, and adjutant-general; division quartermasters, the orders of their general, and quartermaster-general; brigade quartermasters, the orders of their generals, and division quartermasters; regimental quartermasters, the orders of their commandants of regiments, and quartermasters of brigades; adjutants and sergeant-majors, shall carry and execute the orders of field officers.

Staff officers
—their duty.

Sec. 17. It shall be the duty of brigade majors to attend the several battalion and regimental musters; to superintend and correct the exercise, if necessary; to receive from the adjutants or commandants of regiments, the annual returns of the militia, and make out three fair brigade returns, agreeable to forms furnished by the adjutant-general, and lay the same before the brigadier, on or before the tenth of September in each year, for his examination and signature, and transmit one copy to the office of the adjutant-general, and one to the major general, on or before the tenth of October in each year. And when details are made on militia, he shall make out muster rolls, and transmit the same to the adjutant-general's office, if directed; and shall perform such other duty as may be required by the laws of this state or of the United States.

Brig. majors
—their duty.

COURTS MARTIAL.

Sec. 18. Judge advocates and provost marshals shall be appointed to the several courts martial, by said courts hereafter ordered. It shall be the duty of the judge advocates, to take and keep safely, a true statement of all proceedings, whether pleas, evidence or defence, made before a court martial; a fair copy of which, after being signed by the president, shall be delivered to the governor, or officer ordering such court martial,

Judge advocate and provost marshal appointed—
and their duty.

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(as the case may be) within twenty days after their adjournment; and to prosecute for the state. The provost martial shall attend and execute the orders of the court.

Courts martial for neglect of duty, &c.

Sec. 19. Courts martial shall be appointed for the trial of all officers for neglect of duty, disobedience of orders, or disorderly and ungentlemanly behavior.

Gen'l courts martial to be ordered by the governor — of whom composed,

Sec. 20. General courts martial shall be ordered by the governor, when he may think necessary, where a major general shall preside, and be composed of twelve additional members, two of whom, at least, shall be brigadier generals, and the others field officers.

Division c'ts martial.

Sec. 21. Division courts martial shall be appointed at the discretion of a major general, where a brigadier general shall preside, and be composed of twelve additional members, two of whom, at least, shall be colonels, and the others field officers.

Brigade c'ts martial.

Sec. 22. Brigade courts martial shall be appointed at the discretion of the brigadier generals, where a colonel shall preside, and be composed of twelve additional members, two of whom, at least, shall be field officers, and the others captains.

Regimental courts martial.

Sec. 23. Regimental courts martial shall be appointed at the discretion of commandants of regiments, where a major shall preside, and be composed of twelve additional members, two of whom, at least, shall be captains.

Majority of the members summoned may do business. Proviso respecting challenge.

Sec. 24. In all courts martial, whether general, division, brigade or regimental, when the full number of officers that may be summoned, shall fail to attend, the court shall proceed to the trial, provided a majority of the members shall attend that may be summoned on said court: *Provided also*, that no exception or challenge shall be made to the president, but may be made to any other member, for good cause shewn, to the satisfaction of said court. The proceedings of any of the courts martial ordered under this act, shall be approved or disapproved by the officer ordering the same; and in case the sentence is disapproved, he shall return the proceedings to the president of the court, with his objections, within twenty days, who shall again convene the court, and proceed and re-consider the same; and if thereupon they shall adhere to their former opinion,

Relative to the approval of decisions of courts, and further regulations directing the proceedings of courts martial.

the sentence shall stand confirmed, and the officer ordering the court shall issue his order dissolving said court, and publishing the sentence thereof; subject, however, to an appeal to the officer next in rank, and in case of a division court martial, to the governor, for their final affirmation or reversal: *Provided*, that the opinion of any court martial shall not be reversed or set aside, for the want of any formality, or particular form of proceeding, or the use of any technical term: *Provided also*, that it may appear from the face of the proceeding of said court, that the party or parties had a fair and equitable trial on the merits of the case.

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Sec. 25. In general courts martial, none shall be tried below the grade of a general officer, or the adjutant and quartermaster general; in division courts martial none shall be tried below a field officer or division staff; in a brigade court martial the field officers and brigade staff may be tried, or a captain, for good cause shewn; in regimental courts martial, all officers below the grade of a field officer, as well as the regimental staff officers, shall be tried.

Courts martial before whom officers of the different grades to be tried.

Sec. 26. Upon the convening of either of the courts herein directed, the president thereof shall administer to the judge advocate the following oath or affirmation: "I do solemnly swear (or affirm, as the case may be) that I will truly and faithfully execute the office of judge advocate to this court, so long as I remain in office, to the best of my abilities, and according to the laws of this state and the United States; and that I will not, when secrecy is required, disclose or discover the opinions of any court martial wherein I serve, unless to the commanding officer, until he has approved or disapproved thereof; nor will I at any time disclose or discover the opinion of any particular member of the court martial, unless required to give evidence in a court of justice." Which oath shall be deemed a competent qualification to such judge advocate, while he continues to act. And the judge advocate shall proceed to qualify the president and members, by administering to them the following oath: "You, and each of you, do swear (or affirm) that you will well and truly try and determine, according to evidence, agreeably to justice, the best of your understanding and the laws of this state and of the United States, between the

Courts martial organised

Oath of judge advocate.

Oath of the president and members.

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Courts martial to proceed to do business, and directions thereupon.

commonwealth of Kentucky, or of the United States, and the prisoner to be tried; and you will not disclose the opinions of this court martial, where secrecy may be required, until made public by the proper officer; nor will you at any time disclose the vote or opinion of any particular member thereof, unless called upon by a court of justice, to give evidence." Whereupon the court shall proceed to the business laid before them, and adjourn from day to day until it is finished; of all which a complete record shall be made, and signed by the president; and the court shall be adjourned. Upon the disclosure of the opinions or sentence of any court martial, any person may, according to the directions of this act, appeal therefrom, by filing a written notice with the officer to whom the appeal is made, within thirty days after the sentence is published; whose duty it shall be to order up before him the proceedings of such court, for a final decision, which shall be given within thirty days thereafter.

Causes of complaint, how proceeded upon.

Sec. 27. Any person having cause of complaint against any commissioned officer, shall lodge with the governor, major general, brigadier general, or commandant of a regiment, the charges certified in form, and make oath before some justice of the peace, that the charges which he is about to exhibit, are true, to the best of his knowledge and belief; upon which, an inquiry or arrest, at the discretion of such officer, having the power to order, may be awarded: *Provided*, that from the time of an arrest, the court martial shall be ordered to meet within thirty days; of the time and place of which, the officer arrested shall have at least fifteen days notice, as well as a copy of the charges exhibited against him: *And provided also*, that if upon the meeting of such court, it shall appear, from the absence of witnesses, inability or sickness of the parties, or for any good cause shewn, a fair and impartial trial could not then be had, they may adjourn the court to a future day, not exceeding three months at any one time.

Courts martial or inquiry called on delinquents.

Sec. 28. The commanding officers of regiments are hereby authorised and directed to call courts martial, or courts of inquiry, at any time when it may appear necessary, to try persons failing to do duty, or delinquents of any description, or persons failing to perform tours of duty, when called on for that purpose, or for

the trial of any non-commissioned officer or private, who may hereafter desert from the service of the United States, or of this state, or to excuse any person (disabled, or for other cause) from doing militia duty, during their disability : *Provided*, that nothing herein contained shall be so construed as to alter the day of the annual meeting of the court of assessment.

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Provision respecting the court of assessment.

Sec. 29. The judge advocate of every general, division or brigade court martial, which may be instituted under the provisions of this act, shall be allowed the sum of two dollars per day by the said court, which shall be certified by the president thereof ; and each witness legally summoned, and attending on such court, shall be allowed fifty cents per day for such attendance, with an addition of mileage, as in other cases. The provost attending such court, shall be allowed one dollar per day, to be certified as aforesaid. And the auditor of public accounts shall issue his warrant on the treasurer for payment, out of any monies in the treasury not otherwise appropriated.

Allowance to judge advocate, witnesses & provost

Sec. 30. A court for the assessment of fines, and receiving the returns of delinquents, shall be held for each regiment, on the last Monday in November in every year ; which shall be composed of a majority of the captains of such regiment, the eldest of whom present, shall be president of said court : *Provided, however*, that from a vacancy or absence of any captain, the next officer in rank in such company, shall attend. Which court, together with the regimental judge advocate and provost martial, may proceed to business ; but in case the judge advocate fails to attend at any court of assessment, one may be appointed pro tem. ; but all other commissioned company officers may attend if they please, who, *ex officio*, shall be members of said court. This court is to examine all returns laid before them ; to have the delinquents called, to shew cause why judgment should not be awarded against them, and to deliver their opinion in every case to the judge advocate, who is hereby directed to make a fair record thereof. This court shall also have the power of excusing from militia duty, aged and disabled persons, during their disability, and to hear evidence to determine the same ; they shall have power to adjourn from day to day ; to compel the attendance of absent members ; and when their business

Courts of assessment—when held, & by whom composed.

Provision respecting vacancies or absence.

Duty of this court, and judge advocate.

Powers of court in excusing disability—compel attendance of absent members.

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Oath of judge
advocate.Oath of the
court of as-
sessment by
the judge ad-
vocate.Judge advo-
cate's duty af-
ter the courts
of assessment
Colonel to
furnish list of
fines.Judge advo-
cate may be
fined and dis-
missed.Officer fined
for failure to
put list in
sheriff's
hands.Sheriff's to re-
ceipt there-
for; penalty
for failure.

ness is completed, the president shall sign the record of their proceedings, and the court for that year shall be dissolved: *Provided*, that previous to their proceeding to do any business whatsoever, the president thereof shall administer to the judge advocate the following oath or affirmation: "I, _____, do solemnly swear (or affirm, as the case may be) that I will truly and faithfully execute the duties of judge advocate, to this court, so long as I remain in office, to the best of my abilities, and according to the laws of this state." Which oath shall be deemed a competent qualification to such judge advocate, while he continues to act. The judge advocate shall proceed to qualify the members, by administering to them the following oath: "You, and each of you, do swear (or affirm) that you will truly and diligently inquire of, and decide upon the several delinquencies reported to you, and in every case decide according to law, and the best of your skill and understanding, without favor or hope of reward—So help you God."

Sec. 31. Within twenty days after the sitting of every regimental court of assesment, the judge advocate thereof, shall make out three fair lists of the fines assessed, and deliver the same to the commandant of the regiment, whose duty it shall be to furnish the paymaster with one, the high sheriff of his county with another, on or before the first day of February in each and every year, and take his receipt therefor; and keep one himself; which fines shall be collected and accounted for according to the provisions of this act. Any judge advocate, failing to make out, within the time prescribed by this act, the lists of fines herein required, shall be fined at the discretion of a regimental court martial, in any sum not exceeding one hundred dollars, and in addition thereto, may be dismissed from office. Any captain or commanding officer of regiments, who shall fail to place a list of the fines assessed by the annual regimental court of assesment in the hands of the sheriff of his county for collection, by the time prescribed by this act, shall be fined at the discretion of a brigade court martial, in any sum not exceeding one hundred dollars. Each and every sheriff, or deputy sheriff, under the penalty of one hundred dollars, to be recovered on motion by the paymaster, in the county court, shall

receive of, and receipt to the commandants of regiments, for all lists of fines against all delinquents and defaulters, as adjudged by any court of assessment or courts martial. The sheriff shall have power to apply for and receive the same, levy and make distress therefor, as in cases of county levy, if payment is withheld; for which the said sheriff shall receive the same per centum and fees for distress, as are allowed for collection of the public revenue. On or before the first day of January in every year, the said sheriff shall settle with, and pay over to the regimental paymaster, all sums by them collected as aforesaid, and return upon oath an account of all insolvents and delinquents, to the annual court of assessment, for their examination; and such of the insolvent lists as the court shall approve of, the sheriff shall be allowed for in his settlement with the paymaster; and it shall be the duty of the judge advocate, within ten days after the sitting of said court, to furnish the paymaster of his regiment with a certified copy of all delinquents approved of or allowed by said court, which shall be his guide in a settlement with the sheriff, reserving his commission as aforesaid, taking the said paymaster's receipt therefor, an attested copy of which he shall have recorded in the next succeeding county court for the county of which he is sheriff. But in case the said sheriff shall fail or refuse to pay and settle with the paymaster as aforesaid, the paymaster shall immediately proceed to recover the monies due from the said sheriff and his deputies, or either of them, by motion in the county court, in the same manner that monies are recovered by the counties against their public collectors of levy.

Sec. 32. The regimental paymaster shall, before he acts as such, enter into bond with sufficient security, in the county court, to be approved of by such court, to the commonwealth of Kentucky, in the sum of one thousand dollars, conditioned for the just fulfilment of all the duties herein required of him; which bond shall not be void on the first recovery. And he shall also take the following oath: "I, ———, do swear I will, as paymaster to the ——— regiment of Kentucky militia, truly and honestly perform the said duty, and render a just account, to the best of my knowledge, when called upon by the proper tribunal."

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Sheriff's power and duty.

Judge advocate to furnish paymaster with delinquent list.

Paymaster to move against sheriff.

Paymaster's bond.

Paymaster's oath.

1814. **Sec. 33.** It shall be the duty of the field officers in every regiment, to call upon and settle with the paymaster, in the month of January annually, or oftener, if they think proper; which settlement, signed by themselves, they shall cause to be recorded in the court of their county, at the next court after the close of such settlement; the clerk of which court shall perform such services without fee. The monies collected and funded with the regimental paymaster, shall be subject to orders drawn by the commandant of the regiment, for the following and other regimental purposes, to wit: The purchase of regimental and battalion standards, drums, fifes, music, (at the several regimental, battalion and company musters,) the purchase of arms, teaching military music; all which orders shall be regularly filed and preserved by the paymaster, as vouchers in his annual settlement: *Provided*, that the paymaster shall retain in his hands six per cent. as a commission, to be deducted out of all money paid away by him as paymaster.

Sec. 34. *Be it further enacted*, That the paymaster shall, in settling claims, pay respect to seniority, and that a younger claim shall not be settled until those of an older date are paid off: *Provided*, the elder claimant has given due and timely notice to the paymaster, of his claim; and that the paymaster, in settling with the sheriff, shall not allow for younger claims that may have been purchased up, until all the older claims, lodged as aforesaid with the paymaster, shall be satisfied.

Sec. 35. That it shall be the duty of the judge advocate of every court of assessment, upon the application to the commanding officer of each company within his regiment, to furnish such officer with a list of all fines assessed on every member of his company, at the preceding court of assessment; and it shall be the duty of every commanding officer of a company, at his April muster in each year, to make a public declaration to his company of the names of each and every person fined belonging thereto, at the last annual court of assessment held for his regiment.

Sec. 36. That the repealing clause in the first section of this act, shall not extend to, or do away the means of collecting and receiving all fines heretofore assessed: *And provided also*, that all persons fined at any regimental

Officers to settle with paymaster—when.
Settlement to be recorded in the county court without fees.
Monies thus funded, how to be applied.

Per cent. to paymaster.

Paymaster to give preference to oldest claims.
Proviso respecting notice & younger claims purchased.

Judge advocate to furnish list of fines, & commanding officer's duty.

Respecting fines.
Proviso res.

tal court of assessment, held in the month of November last, shall and may appeal, as in cases of fines heretofore assessed.

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Sec. 37. *And be it further enacted.* That where any person subject to military duty shall, after being fined by any court of assessment of fines, remove into the bounds of another regiment, or into any of the counties of this state, it shall be lawful for the commanding officer of the regiment where the fine was imposed, to send a certified copy of such fine into the county where such delinquent shall have removed to, and put into the hands of the sheriff of such county, the certified copy; and the sheriff shall proceed to collect and account for the same, in the manner that other fines are accounted for by law.

pecting ap-
peals.
Fines, how
collected a-
gainst per-
sons remov-
ed.

It shall be the duty of commandants of regiments, on or before the first day of March in every year, to re-list with the sheriff of his county, all such fines as were returned delinquent by the sheriff in the preceeding year, except those provided for in this section, who had so removed, under the same penalties for neglect or refusal to collect or account for, as is provided for in the 30th section of this act.

Com'd'ts. of
regiments to
re-list fines.

Sec. 38. It shall be the duty of the several adjutants of regiments, at the regimental and battalion musters, to notice and report all delinquencies of captains, subalterns or staff officers, which may happen; and shall return such lists of delinquents to the next court of assessment held in his regiment, who shall have power to fine such delinquents for their neglect.

Adj't's. duty.

Sec. 39. It shall be the duty of all captains or commandants of companies to make a due return of delinquencies which may happen within that year, either as to absence, arms and accoutrements, and as to a failure or refusal to perform duty when present; also of all such non-commissioned officers or privates who may have given disturbance at any musters of their companies; which return shall be delivered to the judge advocate of the court of assessment, on or before the last Monday in November in each year: *Provided, however,* that no captain or other officer shall be bound to return any person as a delinquent, who, to the knowledge of such captain, or any other credible person, was sick, or unable to attend by reason of any bodily infirmity, or was absent from the county on indispensable business,

Capt's. duty.

Captains may
not return
sick persons.

1814. — at the time of such muster: *Provided also*, that all such excuses shall be on oath, which may be administered by the captain or commanding officer of the company.

Excuses to be on oath.

Non-commissioned officers—their duty.

Duty of commandants of companies & judge advocates.

Sec. 40. That all non-commissioned officers who deliver notices to the subalterns, non-commissioned officers, musicians and privates, of the time and place of holding musters in this state, shall return to their respective commandants of companies, on oath, from time to time, a list containing the names of the persons by them notified; and if not delivered by them in the time prescribed by law, he shall also note the time such notice was delivered; which oath any commandant of a company is hereby authorised to administer; which list or lists shall be returned by the respective commandants of companies to the judge advocate of the regiment to which they belong, on or before the day of the sitting of the court of assessment, to be by him laid before said court, which shall be sufficient evidence of notice to delinquents; and upon any charge in writing lodged with the judge advocate of such court, prior to or during its sitting, of a failure or neglect of duty of any officer or officers, for which he or they are subject by law to be fined, it shall be lawful for the court, when the officer or officers are below the grade of a field officer, to determine the same, subject to the same appeal that fines against non-commissioned officers and privates are now by law subject to.

Com'dts. of companies to make proclamation of delinquents.

What fines to be paid into the treasury. Officers to give sheriffs a list of fines.

Sec. 41. That the commandants of companies shall, at their regimental muster in each year, make a public proclamation of all the delinquents they are about to return to the court of assessment.

Sec. 42. All fines assessed under any of the provisions of this act, on any general, field or staff officer, other than regimental staff, shall be paid into the public treasury. It shall be the duty of all officers ordering such courts martial, to place a list of the fines so assessed into the hands of the sheriff of the county in which such delinquent shall reside, within thirty days after a final decision thereon is had, and take duplicate receipts of the sheriff therefor, one of which said officer shall transmit to the auditor of public accounts, by mail or otherwise, who shall cause the sheriff aforesaid to settle and account for, as in case of other public dues, within six months after such list shall have been placed in his hands.

Sec. 43. And whereas it may happen that the officers of regiments may be prevented by bad weather, or other unavoidable accidents, from holding their regimental courts of assessment on the day of their annual meeting, or a sufficient number to compose said court may not attend; in such case the court shall stand adjourned, from day to day, until members sufficient shall attend to form such court; and those attending shall have power to send for absent members, and award such fines for their non-attendance as they may think reasonable, not less than five, nor more than ten dollars per day on each.

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Provisions when bad weather prevents the holding of courts of assessment.

Sec. 44. All courts martial and of assessment may issue summons for witnesses; or previous to the sitting of such court, the president thereof, or any field officer, may issue such subpoena; the process to be served by the provost martial, or any sheriff or constable; and if any such witness shall fail to attend, without a reasonable excuse, he shall be fined in any sum not exceeding three dollars. And it is hereby declared, that the several courts possess competent power to carry into execution the regulations granted.

Witnesses, how summoned.

Sec. 45. That upon failure of the paymaster of any regiment, to pay over to the order or orders of the commandant thereof, either the whole or any part of the amount of monies belonging to his regiment, in his hands, the same may be recovered on motion in the county court where his bond is filed; and the said court is authorised to give judgment against such paymaster and his security or securities, together with ten per centum damages: *Provided*, ten days notice of such motion be given by the holder or owner of such order.

Proceedings on delinquent paymaster.

COURT OF APPEALS.

Sec. 46. That any person fined at the annual regimental courts of assessment, conceiving himself aggrieved thereby, shall and may, at any time on or before the first Monday of May next succeeding the sitting of such court, appeal therefrom to the field officers of his regiment, who, or a majority of them, are hereby constituted a court of appeals; who, having taken an oath to act impartially therein, shall have power to remit such fine or fines, if in their opinion the same shall have been unjustly assessed. In all cases appeals shall be taken in the following manner, to wit: The person complaining

When appeals to be taken, and power of courts.

The manner of taking, and the proceed-

1814.
ings upon ap-
peals.

Judge advo-
cates to certi-
fy decision of
court of ap-
peals.

Courts of en-
quiry to con-
sist of not less
than 3 nor
more than 5,
and their du-
ties.

shall go before some justice of the peace for his county, and make oath that he considers himself aggrieved by the decision of the court of assessment; and he shall also state his defence or excuse in writing, upon oath, and take such magistrate's certificate of appeal, as well as of his defence or excuse, and file the same with the commanding officer of his regiment; which shall be sufficient for such appeal to be heard: *Provided*, that in case any person should fail to take such appeal, or make such excuse, it shall not debar his being heard before such court of appeals, upon the merits of the case; and the commanding officer of the regiment shall thereupon issue his order to the sheriff of his county, suspending the collection of such fine or fines until such appeal can be heard by the court of appeals. Any excuse or defence made before any court of assessment, or court of appeals, shall be heard on oath, which may be administered by the judge advocate of said court. On the first Monday in May in each and every year, the court of appeals shall meet, and sit at the same place where the regimental court of assessment, held in the preceding November, shall have assembled; where the judge advocate of the court of assessment shall attend, and record the proceedings of said court, or if he fails the court shall appoint one *pro tem.*; which court shall confirm or reverse the decision of the regimental court of assessment. It shall be the duty of the judge advocate of every court of appeals, within ten days after the sitting of such court, to certify to the sheriff of his county the decision had on all cases laid before the court of appeals, whether confirmed or reversed, and also to furnish the paymaster of his regiment with a copy thereof, to enable him to settle with the sheriff.

COURT OF ENQUIRY.

Sec. 47. In cases where a court of enquiry may be ordered to examine into the nature of any transaction, accusation or imputation against any commissioned officer, the said court shall consist of at least three, and not more than five members, the eldest officer of which shall be president of said court. They shall appoint some suitable person as recorder, to reduce the evidence and proceedings to writing; all of whom shall be sworn to the faithful performance of their duty, before some magistrate. This court shall have the same power to

summon witnesses, as a court martial, and to examine them upon oath; but they shall not give their opinion on the merits of the case, excepting they be thereto specially required: The party accused shall also be permitted to cross-examine and interrogate the witnesses, so as to investigate fully the circumstances in question. The proceedings of a court of enquiry must be authenticated by the signature of the recorder and president, and delivered to the officer ordering such court.

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Sec. 48. In all cases where a troop of horse, an artillery, light infantry, grenadier or rifle company shall be arranged, the men enlisting therein shall not be discharged from their duty in the regiment or company from which they were taken, until such troop or company shall have been organised; and no private or non-commissioned officer shall quit the same without the consent of the captain of such troop or company, while he continues to reside within the bounds thereof, or a dissolution of said company.

Respecting
horse, artillery,
&c.

Sec. 49. That hereafter no person shall be permitted to join any volunteer corps, from any company which contains a less number than forty-five men, including officers; but at no time shall a company consist of less than forty men, including officers; and if at any time a company shall be reduced to a less number, it shall be incorporated with the adjoining companies, which company shall be dissolved. That the field officers of each regiment in this commonwealth, shall proceed, without delay, or from time to time, to alter and regulate, when necessary, the boundaries of their battalions and companies within their regiments, so as to make them contain, as nearly as possible, the same number of privates; and no new company shall hereafter be raised, unless it can be done without reducing any company below the number of sixty-four privates; nor shall any new company hereafter be raised, unless it consists of sixty-four privates; and the field and company officers of each regiment of infantry, shall furnish the judge advocate with the bounds of his command, within six months after the passage of this act, who shall record the same.

Respecting
companies,
number,
boundary, &c.

Sec. 50. The governor for the time being shall, if he deems it necessary, call forth into the service of this state, such a number of militia as he shall judge expedient. A tour of duty shall be estimated at thirty days;

Governor
may call mili-
tia into ser-
vice.

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and when employed in the service of the state, no militia man shall be compelled to serve more than two tours without discharge. If called into the service of the United States, each militia man, or corps, shall receive a credit for a tour of duty for every thirty days he may be so employed : *Provided*, in every case, the duty shall have been rendered. And whenever detachments shall be made from the militia of this state, for the service of the United States, they shall be made agreeable to the act of congress of the United States, passed May the 8th 1792, providing for an uniform militia throughout the United States, taking into view the rank and number of officers to the number of men therein required, until otherwise regulated by the congress of the United States ; and if at any time a different regulation should be made by congress, requiring regiments, battalions and companies to correspond with the organization of the armies of the United States, the governor shall, and he is hereby authorised to make such additional appointments as by such regulations may be requisite, as other appointments in the militia are now made, regulating the militia and armies of the United States.

Officer to
reside in
bounds.

Sec. 51. All officers shall reside in the bounds of the division, brigade, regiment, battalion or company to which they may severally belong.

Parents, &c.
to pay fines.

Sec. 52. Parents, guardians, masters or mistresses shall be accountable for, and pay the fines of their children, wards or servants, who are under twenty-one years of age : *Provided*, that parents shall be responsible only when their children reside with them.

Brigade inspectors—
how paid.

Sec. 53. That the brigade inspectors shall be allowed one dollar and fifty cents per day for their attendance at the battalion and regimental musters : *Provided*, however, that before any money shall be drawn from the treasury, they shall produce an account of the services rendered, together with their brigadier's certificate of a faithful discharge of every duty assigned them for the year ; which account shall be laid before the governor for his approval ; which, if approved, the auditor of public accounts shall draw a warrant on the treasury for the payment thereof accordingly : *Provided*, that no brigade inspector shall receive for his services a sum exceeding twenty dollars in any one year.

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Sec. 54. It shall be lawful for commandants of companies to discharge any person from militia duty, upon his producing an affidavit from some justice of the peace that he believes, from the best information he has, that he is forty-five years of age.

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Persons over age, how discharged.

Sec. 55. That the residence of every militia man in this state shall be considered to be at the place where he has his lodging.

Militia man's residence.

Sec. 56. It shall be the duty of the commandants of companies to appoint their non-commissioned officers, annually, at their April muster, if necessary; also from time to time thereafter appoint others to fill the vacancies of those who may have removed or refused to serve.

When non-commissioned officers appointed.

Sec. 57. That no sergeant or other non-commissioned officer shall be compelled to serve as such for a longer time than one year, unless they choose to continue as such.

Their time of service.

Sec. 58. It shall be the duty of each captain, annually, on or before the tenth day of May, to furnish the sergeant-major of his regiment with a list of the names of the sergeants and corporals of his company; and such sergeant-major shall keep a roster thereof, by which the detail of their duty shall be regulated.

Captains to furnish sergeant major with list.

Sec. 59. Any officer acting in the absence of his superior officer, shall be subject to the same penalties imposed by this act on such superior officer, for a failure to perform the duties devolving on him by reason of such absence.

Provision where officers act in absence of superiors.

RETURNS OF STRENGTH OF MILITIA.

Sec. 60. That all commanding officers of companies, after their military exercise for the day shall be over, in the month of June in each and every year, shall proceed to make their annual company returns, agreeably to forms which shall be furnished them by the adjutant-general; in which shall be expressed the military strength, arms and accoutrements of such company; who, after countersigning the same, shall deliver it to the adjutant or commandant of his regiment, on or before the tenth day of July in each year.

Company return, when & how to be made.

Sec. 61. That it shall be the duty of commandants of regiments to cause their adjutants to make out, from the company returns, on or before the tenth day of August in each year, two regimental returns, agreeably to the forms prescribed by the adjutant-general, and lay the

Regimental returns, when and how to be made.

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same before them for their examination and signature; and it shall be the duty of the said commandants to cause their adjutants to forward the returns of regiments to the inspectors of their respective brigades, on or before the first day of September in each year, and retain one return for the use of the commandant.

Quartermas-
ter's duty re-
lative to regi-
mental re-
turns.

Sec. 62. Commanding officers of regiments shall cause their quartermasters to make two fair estimates, from the regimental returns, agreeably to forms furnished by the quartermaster-general, and lay the same before them for their examination and signature, on or before the 15th of August in each year; and shall cause the quartermaster to return one copy to the brigadier general, on or before the first of September annually, and file the other for the use of said commandant.

Brigade ma-
jors' duty as
to brigade re-
turns.

Sec. 63. That it shall be the duty of brigadier generals to cause their brigade majors to make out three fair brigade returns, agreeably to forms furnished by the adjutant-general, and lay the same before them, on or before the 10th of September in each year, for their examination and signature; one of which returns the brigade major shall forward to the major general, and one other to the adjutant-general, on or before the 10th day of October in each year, and file one other for his use. Brigadier generals shall cause their quartermasters to make out two fair estimates from the returns of the regimental quartermasters, agreeable to forms furnished by the quartermaster-general, and lay the same before him for his examination and signature, on or before the 10th of September in each year; who shall cause his quartermaster to return one copy of such estimate to the major general, on or before the 10th of October in each year, and file one copy for his use.

Brigade quar-
termaster's
duty as to re-
gimental re-
turns.

Division in-
spector's du-
ty as to divi-
sion returns.

Sec. 64. That it shall be the duty of the major generals to cause their division inspectors to make out from the brigade returns, two fair divisions returns, agreeable to forms furnished by the adjutant-general, and lay the same before them, on or before the first of November in each year, for their examination and signature; one of which returns the division inspector shall forward to the adjutant-general's office, on or before the last day of November in each year, and retain one for his use. Major generals shall cause their quartermasters to make out two fair estimates, from the returns

Division Q.
M's, duty as

made by the brigade quartermasters, agreeable to forms furnished by the quartermaster-general, and lay the same before them for their examination and signature, on or before the first of November in each year; and shall cause their quartermaster to return one copy to the quartermaster-general, on or before the last day of November in each year, and file one copy for his use.

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to brigade re-
turns.

OF MUSTERS.

Sec. 65. There shall be, in the month of October in every year, a regimental muster, at such place as the commandant thereof may direct, where every field, staff and regimental commissioned and non-commissioned officer, private and musician shall attend, armed and equipt according to law.

Regimental
musters.

Sec. 66. There shall be a battalion muster in every battalion, at such place as the commandant thereof shall direct, in the month of May in each year, where every officer, non-commissioned officer, musician and private, belonging thereto, as well as the regimental staff, shall attend, armed and equipt according to law.

Battalion
musters.

Sec. 67. That there shall be four company musters held in each year, to be appointed at the discretion of the commanding officers of companies, as to time and place, viz. one within each of the months of April, June, August and September, where every commissioned, non-commissioned officer, musician and private shall attend, armed and equipt according to law.

Company
musters.

Sec. 68. At the several musters herein directed to be held, the troops shall be exercised at least three hours on each day, agreeable to the rules prescribed by Duane, or that have or may be adopted by congress, for disciplining the militia and armies of the United States, except such deviations therefrom as may be rendered necessary by some unavoidable circumstance. The roll shall be called at each muster or review, and the delinquents particularly noted, by the commandants of companies, both as to absence, arms, accoutrements, and as to a refusal and failure to perform the duties required, when present. It shall be the especial duty of the commanding officers at every muster, strictly to examine the arms and equipage of the troops under their command, at the time of making their annual returns.

Exercise, dis-
cipline & du-
ty of officers
at musters.

Sec. 69. If any non-commissioned officer or soldier, shall behave himself disobediently or mutinously, when

Disobedience
mutiny, &c.

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 ed. on duty, or before any court or board directed by this act to be held, the commanding officer, or said court or board, may confine him, during the parade, or during the sitting of the court or board; and he may moreover be fined at the discretion of a court martial or of assessment, in any sum not exceeding ten dollars, to be collected as other fines under this act; and if any by-stander shall attempt to molest or insult any officer or soldier, while on duty at any muster, or shall be guilty of like conduct before any court or board, the commanding officer, or such court or board, may cause him to be confined, during the parade, or during the sitting of the court or board, and be fined by any court or board in a sum not exceeding ten dollars.

Exemptions from executions and arrest at musters. Sec. 70. All arms, ammunition and equipments of any militia man, shall be exempted from executions and distresses, at all times, and their persons from arrests, or the service of any civil process, except for treason, felony or breach of the peace, while going to, continuing at, or returning from musters, or any military court; and when detached for the service of the state, or the United States, during the continuance of the present war, and after receiving marching orders, no arrest or process in civil cases shall be served on them, but shall be exempt therefrom during their continuance in the service.

Books to be kept—by whom and for what. Sec. 71. That the brigade inspectors, adjutants of regiments, and commanding officers of companies, shall severally keep a book, in which all returns shall be recorded, and other casual occurrences noted.

Of resignations and filling vacancies. Sec. 72. *Be it further enacted*, That the resignation of all commissioned officers shall be made in the following manner, to wit: All company and staff officers of regiments; regimental field and brigade staff officers, to the commanding officers of brigades; brigadier generals and division staff, to the commanding officers of divisions; and major generals, quarter-master generals and the adjutant general, to the commander in chief of this state. And when any such commanding officer of a brigade or division, shall receive the resignation of any officer made to him as aforesaid, he shall certify the same without delay to the governor, in order that such vacancy may be supplied. When any

nominations of company officers are made to the governor, according to law, to fill vacancies which may happen, it shall be the duty of commanding officers of regiments from which such nominations are made, to insert the name of the person whose place the nomination is intended to fill, designating the cause of such vacancy, whether by death, promotion, resignation, removal or otherwise.

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Sec. 73. It shall be the duty of any person hereafter appointed to any office in the militia of this state, within twenty days after receiving his commission, and before he acts under it, to take the following oath: "I, ———, do swear (or affirm) that I will support the constitution of the United States, and that I will be faithful and true to the commonwealth of Kentucky, so long as I continue a citizen thereof; and that I will faithfully execute the office of ———, according to law, and the best of my understanding; that he or they (as the case may be) have neither directly nor indirectly given, accepted or knowingly carried a challenge, to any person or persons, to fight in single combat or otherwise, with any deadly weapon, either in or out of this state, since the first of April, 1812; and that he or they will neither directly nor indirectly give, accept or knowingly carry a challenge, to any person or persons, to fight in single combat or otherwise, with any deadly weapon, either in or out of this state, during their continuance in office—So help me God." Which oath may be taken before any magistrate, or in the court of any county, and a certificate thereof shall be endorsed upon his commission at the time of taking the oath; which officer, thus qualified, shall be respected and obeyed as such.

All officers to take the following oaths, and before whom.

Sec. 74. Every regimental officer, taking the aforesaid oaths, shall, within twenty days thereafter, lodge with the adjutant of his regiment a duplicate of the aforesaid oaths; which duplicate shall be filed and preserved with the papers of his office. And any person who may have been commissioned as aforesaid, who fails to comply with the requisitions of this act, shall be considered as having refused to accept; and the proper officer shall proceed to have the vacancy filled as in other cases.

Duplicate oaths to be lodged with the adjutant.

Vacancies in certain cases.

1814.

Fine for acting without taking oaths.

Sec. 75. If any officer, before he shall have taken the oath of office prescribed by this act, shall exercise any of the duties of such office, he may (if a field officer) be fined in any sum not more than fifty dollars, at the discretion of a brigade court martial; if below the rank of a field officer, he may be fined in any sum not more than twenty-five dollars, to be assessed by a regimental court martial or court of assessment, to be applied to the use of said regiment as other fines are by this act.

Duty of officers who intend to resign.

Sec. 76. It shall be the duty of every officer, previous to his resigning or removing without the bounds of his command, to deliver the public arms, or other public property, the laws, rolls and returns that may be in his possession at the time of his resignation, removal or disqualification, to the next officer of his company, or to the commandant of his regiment, who shall deliver the same to the successor of such officer. Any person failing so to do, shall be subject to a fine not exceeding fifty dollars, to be assessed by a regimental court martial or court of assessment, to be applied to the use of said regiment.

Penalty for absence from command.

Sec. 77. *Be it further enacted,* That if any commissioned officer shall absent himself from the duties of his command, for the space of twelve months, unless he be employed on public business, it shall be deemed a removal, and measures shall be immediately taken thereafter, by the governor, major general, brigadier general or commandants of regiments (as the case may be) for supplying such vacancy. And if any commissioned officer in the militia of this state, shall labor under any apparent incurable bodily infirmities, mental disability, or shall be guilty of habitual drunkenness, the governor, major general, brigadier general or commanding officers of regiments (as the case may be) shall order a court of enquiry, which shall consist of five members; and if on testimony or personal observation, they shall report to the officer ordering such court, that the officer thus charged, does actually labor under such bodily infirmities, mental disability, or shall be guilty of habitual drunkenness, to such extent as to disqualify such officer from the faithful discharge of his duties, under the militia laws of this commonwealth, and if the officer ordering the court of enquiry shall approve the report of said court, the officer shall thereafter be considered va-

Bodily infirmity, disability or drunkenness.

cated, and the governor, major general, brigadier general or commanding officer of regiments, (as the case may be) shall take proper measures for filling such vacancies accordingly: *Provided, however,* that in all cases where the opinion of said court goes to vacate the office of any officer above the rank of a captain, the governor shall first approve the same. 1814.

Governor to approve sentence.

UNIFORM.

Sec. 78. *Be it further enacted,* That the following shall be the uniform and equipments of the several officers of militia of this state, to be worn at all times when they are required by this act to attend. Uniform.

Every general officer, general, division and brigade staff officer, blue coat and pantaloons, made in the fashion of the United States dress uniform, yellow buttons, gold epaulettes, boots, spurs, a round black hat, black cockade, white plume, and small sword or hanger. Of general & gen. staff; blue and yellow.

Every regimental field and staff officer, a blue coat and pantaloons, made in the fashion of the United States dress uniform, with white buttons, silver epaulettes, boots, spurs, a round black hat, black cockade, white plume tipped with red, and small sword or hanger. Field and regimental staff; blue and white.

Captains and subaltern officers, a deep blue hunting-shirt and pantaloons, with red trimming, half boots or gaiters, a round black hat, black cockade, red plume, and small sword or hanger: *Provided,* that chaplains, surgeons and surgeons' mates, shall not be compelled to appear in uniform. Captains to wear one epaulette on the right shoulder; and each regimental staff and subaltern officer, one on the left shoulder: *Provided,* that nothing herein contained, shall prevent any officer now having uniform under the provisions of the law heretofore in force, to appear in them while such uniform shall last: *Provided also,* that for good cause shewn, subaltern officers shall not be fined for failing to wear epaulettes: *Provided,* that captains and subalterns may be permitted, if they choose, to appear in the same dress as field officers, with silver epaulettes, except spurs. Captains and subalterns, hunting-shirts. Uniform now worn, to be continued until worn out. Subalterns not finable in certain cases. Captains, &c. may dress as field officers.

PAY.

Sec. 79. The adjutants of regiments shall be allowed one dollar and fifty cents per day for attending the regimental and battalion musters, and all other services performed by them shall be rendered *ex officio*. Adjutant's pay.

1814. mental judge advocates shall be exempt from attending the ordinary musters, unless when called on to attend a draft, and the commandant of the company in whose boundary they may reside, shall place them on the roster for duty as others; they shall receive no compensation for their services as judge advocate, unless for attending any courts martial, courts of assessment and appeals, or of enquiry, for the examination or trial of any non-commissioned officer, musician or private, when they shall be allowed one dollar and fifty cents per day. Provost's pay Provost martials to regimental courts martial or of assessment, shall be allowed one dollar per day for their attendance on the courts.

FINES:

Sec. 80. That the fines inflicted under this act shall be as follows, without a reasonable excuse, viz.

Major General.—On any major general who fails to perform the duty or duties required of him by this act, any sum not more than fifty dollars, nor less than twenty dollars; for failing to uniform and equip himself according to law, any sum not more than thirty dollars, nor less than fifteen dollars.

Brigadier General.—On every brigadier general, for failing to make his annual return, forty dollars; for failing to appoint the regimental and battalion masters in his brigade, thirty dollars; for failing to review his brigade, for each regiment, ten dollars; for failing to attend when ordered on a court martial, twenty dollars; for failing to equip himself according to law, twenty dollars.

Adjutant General.—On the adjutant general, for failing to perform the duty or duties required of him, any sum not exceeding fifty dollars.

Quartermaster General.—On the quartermaster general, for failing to perform any of the duties enjoined by law, any sum not exceeding fifty dollars.

Commandant of a Regiment.—On every commandant of a regiment, for failing to convene the field officers of his regiment to fill vacancies, ten dollars; for failing to have his annual regimental return made and transmitted to the brigadier general, twenty-five dollars; for failing to appoint the place of mustering his regiment, or place of holding a court of assessment, twenty dollars; for failing to give notice of regimental and battal-

ion musters, twenty dollars ; for failing to attend and exercise his regiment at the annual muster, fifteen dollars ; for failing to attend each battalion muster, five dollars ; for failing to attend a court of appeals, ten dollars ; for failing to attend when ordered on a court martial or court of enquiry, ten dollars ; for failing to attend the regimental or brigade drill musters, ten dollars per day ; for failing to settle with the paymaster of his regiment, one hundred dollars ; for failing to equip himself according to law, twenty dollars.

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Majors.—On every major, for failing to attend a board of officers to fill vacancies, five dollars ; for failing to appoint a place of mustering his battalion, or places of holding the regimental muster or court of assessment, fifteen dollars ; for failing to give notices of regimental and battalion musters, fifteen dollars ; for failing to attend and exercise his battalion at his battalion muster, ten dollars ; for failing to attend the court of appeals, ten dollars ; for failing to attend when ordered on any court martial or court of enquiry, ten dollars ; for failing to attend the regimental drill muster, per day, eight dollars ; for failing to settle with the paymaster of his regiment, seventy-five dollars ; for failing to uniform and equip himself according to law, fifteen dollars.

Majors.

Captains.—On every captain and commandant of a company, for failing to attend a board of officers to fill vacancies, five dollars ; for failing to make his annual return, ten dollars ; for failing to give notice to his non-commissioned officers of the time and place of holding regimental and battalion musters, and courts of assessment, ten dollars ; for failing to appoint the time and place of holding company musters, and giving notice thereof, ten dollars ; for failing to attend any regimental, battalion, company or drill muster, five dollars per day ; for failing to attend the court of assessment, five dollars per day ; for failing to attend when ordered on any court martial or court of enquiry, five dollars ; for failing to enrol and number his company, for routine of duty, ten dollars ; for failing to make a return of delinquents to the annual court of assessment, ten dollars ; for failing to appoint non-commissioned officers to his company, five dollars ; for failing to make a declaration of the delinquents of his company about to be re-

Captains.

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turned to the court of assessment, five dollars; for failing to uniform and equip himself according to law, ten dollars; for failing to make a declaration at his April muster, of all the delinquents of his company, fined at the preceding regimental court of assessment, five dollars.

Lieutenants,
ensigns & cornets.

Lieutenants, Ensigns and Cornets.—On every lieutenant, ensign or cornet, for failing to attend any regimental, battalion, company or drill muster, four dollars per day; for failing to attend a court of assessment, when necessary, four dollars per day; for failing to attend when ordered on any court martial or court of enquiry, four dollars; for failing to uniform and equip himself according to law, five dollars.

Non-commissioned officers.

Sergeants and Corporals.—On every non-commissioned officer, for failing to attend any muster, any sum not more than four dollars, nor less than one dollar and fifty cents, per day, when appointed and duly notified thereof; for refusing to serve, or any neglect of duty, in the time or manner of giving notices of musters and courts of assessment, any sum not more than five dollars, nor less than two dollars; for appearing at any muster and failing to parade or refusing to obey the orders of his commanding officer, any sum not less than two dollars, nor more than four dollars; for appearing on parade at any muster without being armed according to law, any sum not exceeding fifty cents, unless it shall appear such non-commissioned officer is unable to purchase arms; for failing to return on oath to his captain, when required, a list of persons notified by him to attend musters, any sum not more than four dollars, nor less than two dollars.

Musicians.

Musicians.—On every musician, for failing to attend at any muster, any sum not less than one dollar, nor more than three dollars per day.

Privates.

Privates.—On every private, for failing to appear and do duty at every muster, for each and every offence, any sum not less than one dollar, nor more than three dollars; for appearing at any muster and failing to parade or refusing to obey the orders of his officer, any sum not less than two dollars, nor more than four dollars; for appearing on parade at any muster, without being armed according to law, any sum not exceeding fifty cents, unless it shall appear such private is un-

able to purchase arms, without injuring his family, 1814. which fact shall be ascertained by the court of assessment.

Aid-de-camp—On every aid-de-camp. for failing to uniform and equip himself according to law, fifteen dollars; for any neglect of duty enjoined by law, for each offence fifteen dollars. Aids-de-camp.

Division and Brigade Staff—On division inspectors and quartermasters, brigade inspectors and quartermasters, for failing to uniform and equip according to law, fifteen dollars; for any neglect of duty enjoined by law, fifteen dollars. Division and brigade staff.

Adjutant—On every adjutant, for failing to uniform and equip himself according to law, five dollars; for any neglect of duty enjoined by law, for each offence five dollars. Adjutants.

Paymaster—On every paymaster, for failing to uniform and equip himself according to law, five dollars; for failing to enter into bond for the faithful discharge of the duties of his office, agreeably to the provisions of this act, within six months from the passage thereof, any sum not exceeding fifty dollars; for failing to settle with the sheriff or field officers annually, in the months herein directed, for each and every neglect any sum not more than one hundred dollars nor less than fifty dollars; for each and every neglect of duty, not herein otherwise provided for, five dollars. Paymasters.

Surgeon and Mate—For any neglect of duty enjoined by law, for each offence five dollars; for failing to attend court martial for the examination of invalids, five dollars. Surgeons and mates.

Quartermaster—On every quartermaster, for failing to uniform and equip himself according to law, five dollars; for any neglect of duty enjoined by law, for each offence five dollars. Quartermaster.

Sergeant-Major—On every sergeant major, for any neglect of duty enjoined by law, for each offence five dollars. Serg't majors.

Judge Advocate—On every judge advocate, for any neglect of duty enjoined by law, not herein otherwise provided for, for each offence five dollars. Judge advocates.

Sec. 81. There shall be courts martial or courts of enquiry ordered, whenever necessary, to hear complaints of inability, and for the trial of all officers, non-com- Of courts martial, & of enquiry, for in-

1814. ^{ability & failing to march.} commissioned officers, musicians and privates, who fail or refuse to march when ordered into the service of this state or United States. Commandants of companies, when mustered into the service of this state or United States, and finding any part of his command to have failed complying with the orders he or they may have received, he shall report the same to the commandant of the regiment from whence the detail was made, (and if a commissioned officer, to his superior) whereupon a court shall be ordered for the trial of such person, notice being first given in writing, and left at the house of such person, or place of his residence at the time he was detailed for service, with some person of reasonable age, in case the person may be absent; and upon proof being made to the court of such notice being given, the court may proceed to the trial, in the same manner as if the person appeared and plead not guilty. And if a commissioned officer, the court shall cashier and fine him to the amount of three months pay of such officer, unless a reasonable excuse be given for such failure. And any non-commissioned officer, musician or private failing or refusing to march, when ordered into the service of this state, without a reasonable excuse, shall be fined in any sum not exceeding sixty dollars, and imprisoned not exceeding one month; and the commandant of the regiment ordering such court, may order any commissioned officer of the militia, with a sufficient guard, to arrest said offender and commit him to any jail in the state; and the jailer shall receive and confine him during the time for which he may be adjudged to be imprisoned by the court; whose jail fees shall be paid as in other cases. And if any non-commissioned officer, musician or private shall fail or refuse to march into the service of the United States, when ordered, without a reasonable excuse, shall be punished by a court martial, agreeable to the act of congress passed the 18th day of April 1814. And if any person shall absent himself from the service, it shall be the duty of every officer, knowing such person to be a deserter, to apprehend and deliver him over to any officer of any subsequent detachment ordered into the service of the United States, where he shall be detained in service until he shall complete the tour or time for which he was originally detailed; or any person may apprehend such de-

Of deserters.

serter and deliver him to any of the aforesaid officers, and take his receipt for such deserter; which receipt shall entitle the person to a credit for the length of time such person was detailed to serve; which receipt shall be assignable, if granted to any person not bound to do militia duty.

1814.

Sec. 82. *Be it further enacted*, That the non-commissioned officers of any company of militia of this state, shall not exceed more in number than one-ninth of the privates, and as near as may be in that proportion: *Provided*, that not more than eight non-commissioned officers shall belong to any one company; and detailed for service in the same proportion. It shall be the duty of the governor, when requisitions are made on the militia of this state by the president of the United States, to detail the general and field officers from among such officers in commission as the interest of the service may require: *Provided also*, the governor shall have power to appoint some fit person as commander in chief of the detachment, without confining himself to the officers in commission; and in making such appointments he shall be governed by the constitution of this state, and the constitution and laws of the United States.

Number and detail of non-commissioned officers.

Detail of field officers.

Commander in chief.

Sec. 83. *Be it further enacted*, That hereafter when any major general, brigadier general or lieutenant colonel commandant, shall be detailed from the militia of this state, for the service of the United States, it shall be the duty of the major general, brigadier general or lieutenant colonel thus detailed, to select their staff respectively from the line of staff officers in commission within the bounds where the detail is made; any of which staff officers failing or refusing to march when so ordered, shall be fined and suffer such other penalties as is provided for by this act. Any deficiency which may happen from the failure of any of the staff officers as aforesaid to march, shall be made up from the line of staff officers of like grade.

Of detail of staff officers.

Sec. 84. Persons who have served tours of duty in the service of the United States, as officers, and having no office at home, or having held offices in the militia when such service was rendered, have since resigned their office and returned to the ranks, shall be entitled, as privates, to as many tours of duty as they have served as officers, and credit shall be entered therefor accordingly.

Of tours of duty.

1814.

Governor's
power in de-
tailing volun-
teer corps, &
regulations
respecting
them.

Respecting
withdrawal.

Certificate of
enrolment.

Dissolution
of volunteer
companies.

Sec. 85. *Be it further enacted*, That in all cases of calls on the militia, for the service of this state or of the United States, either by drafts or volunteers, the governor shall, and he is hereby authorised to order into the service the whole or any part of the volunteer corps of this state, whether grenadiers, light infantry, cavalry, riflemen or artillery, by corps or companies en masse, as such, if such troops are required; but if not, they shall be detailed to serve as infantry of the line: *Provided*, that when drafts are called on for the service of the United States, any of the volunteer corps may be attached to any regiment, brigade or division, in such manner as the governor may direct in his general order of detail; but if such company shall not have a sufficiency liable for duty, to complete the number required by the act of congress, then to attach the next, or another light company, liable for duty, to complete such company detailed, with a proportion of officers from each, as near as may be; and the number of officers, non-commissioned officers, musicians and privates detailed by companies from the light corps, shall go as a credit to the regiment, brigade or division from which they were made, and the balance of the requisition shall be made out of the infantry of the line; and when the call shall be for either volunteers or drafts, and any light company or corps shall fail or refuse to march when ordered as aforesaid, every officer, non-commissioned officer and private shall suffer all the pains and penalties as shall or could be inflicted for like failure on the infantry of the line: *Provided also*, that any person who now is enrolled in any volunteer corps, may, if he thinks proper, withdraw his name from the company roll, by making application to the commandant of such company, at any time before the first day of June next after the passage of this act: *Provided*, such applicant shall produce to such commandant a certificate of his having enrolled his name in some other light company, or the company in the bounds where he may reside: *Provided also*, that if any light or volunteer company shall, by such withdrawal, or at any time for the space of two months, be reduced below the number required by this act, the said company shall then be dissolved, and the members thereof be enrolled with the companies in the bounds they may reside.

Sec. 86. *Be it further enacted*, That all officers who may hold commissions in any company, either as a light company or company of the line, that may be reduced below the number required by this act, the commissions of such officers shall cease and be of no effect, from and after such company is so reduced. *Provided, however*, that where general officers appoint their aids, other than those holding prior commissions, shall be bound to do duty in the same manner as those officers who were attached to companies that may be dissolved.

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Officers whose companies have been dissolved.

Sec. 87. Within six months after the passage of this act, the field officers of each regiment shall furnish the adjutant with a copy of the bounds of each battalion and companies, who shall keep a record thereof; and also of all other modifications or boundaries of new companies thereafter made.

Duty of colonel and adjutant.

Sec. 88. *Be it further enacted*, That where any man belonging to any society who hold a community of property, shall be fined by virtue of this act, and refuse, and is not able to pay said fine, it shall be the duty of the sheriff or other proper officer to call on the agent or superintendent of the common stock or firm of said society or compact, for said fine or fines; and in case said agent shall refuse to pay the same, or be absent, it shall be the duty of the sheriff or officer aforesaid to execute and sell so much property belonging to said stock, as shall be sufficient to satisfy said fine or fines and costs.

Community of property.— fines how collected.

Sec. 89. *And be it further enacted*, That the brigadier generals shall have power at all times to attach any of the companies of cavalry or artillery, to such regiments as they may deem proper, in the bounds of their brigades.

Of cavalry & artillery.

Sec. 90. *And be it further enacted*, That while the militia are either in actual service of this state or the United States, the several oaths which militia officers are required by law to take, may be administered by any commissioned officer belonging to the same corps.

Commissioned officer may administer oaths.

A COMPANY ROSTER FOR DETAIL.

DECEMBER SESSION,											
Names of non-com-missioned officers & privates.											
John Honey, serg't.	April.										
Wm. Anderson, do.	May.										
Edward Tucker, do.	June.										
John Stone, corporal	August.										
Solomon Spiers, do.	Sept.										
Nat. Davis, do.	October.										
A.B. private.	Date of ser-vice of duty. Nov. 3, 1813 Feb. 18, 1813										
B.C., do.		1									
C.D., do.		2									
D.E., do.		3									
E.F., do.		4									
F.G., do.		5									
G.H., do.		6									
H.I., do.		7									
J.K., do.		8									
K.L., do.		9									
L.M., do.		10									
M. Mooring,		11									
		12									

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CHAPTER CCXXXIV.

1814.

An ACT to incorporate the Lexington Manufacturing Company.

Approved February 4, 1815.

WHEREAS it is represented to the general assembly, Preamble.
that considerable sums of money have been expended
in the purchase of ground, the construction of machinery
and the erection of a building within, or in the vicinity
of the town of Lexington, for the purposes of manufacturing
woollen and cotton goods, and other articles ;
and that from various causes, the present proprietors
are unable to carry into full effect the objects of their
undertaking, and have solicited an act of incorporation:
Therefore,

Sec. 1. *Be it enacted by the General Assembly of the* Company incorporated.
Commonwealth of Kentucky, That Charles Wilkins,
George Trotter, jun. Samuel Trotter, James Prentiss,
John T. Mason, jun. and James D. Wolf, the present
proprietors of the said establishment, together with
such persons as shall hereafter become shareholders, in
the manner herein directed, shall be, and are hereby
erected into and made a corporation and body politic,
by the name, style and title of "The Lexington Manu-
facturing Company ;" and shall so continue until the Duration of charter.
first day of January 1835 ; and by that name are here-
by made able and capable in law, to have, purchase and
receive, possess, enjoy and retain, to them and their
successors, lands, rents, tenements, hereditaments,
goods, chattels and effects, of what kind, nature or qual-
ity soever, to an amount not exceeding their capital
stock ; and the same to sell, grant, demise, alien or
dispose of ; to sue and be sued, plead and be impleaded,
answer and be answered, defend and be defended, in any
court of law or equity, or in any other place whatever ;
and also to ordain, establish and put into execution,
such by-laws, ordinances and regulations as shall seem
to them necessary and convenient for the government of
said corporation, and which are not contrary to the laws
of this state ; and generally, to do and execute all and
singular the acts, matters and things which to them it
shall and may appertain to do ; subject, nevertheless, to
the rules, regulations, restrictions and limitations here-
inafter prescribed.

Rights & priv-
ileges.

1814. **Stock & sub-
scriptions.** Sec. 2. Each share shall be five hundred dollars; and the president and directors of the said institution may direct subscriptions to be opened to fill the number of shares hereby authorised, or may direct the sale of the same at public auction, under such regulations as they may deem advisable and to the interest of the concern: *Provided*, that the number of shares shall not exceed four hundred.

**Present stock
holders may
subscribe
present capi-
tal.** Sec. 3. *Be it further enacted*, That the present stockholders shall have the right of subscribing at par, the amount of their expenditures in erecting and managing the said institution.

**President, &
how elected.** Sec. 4. *Be it further enacted*, That the present shareholders, or a majority of them, shall meet at the house of John Postlethwait, in Lexington, within ten days after the passage of this act, for the purpose of electing a president and three directors, who shall continue in office until the first day of January 1816; and the shareholders shall meet on the first Monday in January in every year hereafter, for the same purpose, at a place to be designated for that purpose by the president and directors then in office, of which notice shall be given at least fourteen days, in some one or more newspapers in Lexington. The president and directors shall continue in office one year from the time of their election; and in case it shall at any time happen, that an election of a president and directors should not be made at the time required by this act, the said corporation shall not for that cause be deemed dissolved, but it shall be lawful for the president and directors who were last in office, to continue as such until there is a new election; and it shall be their duty, in a manner which shall be regulated by their by-laws, to appoint another day for the election of president and directors to serve for the remainder of the year. In the event of death, resignation or removal from the state, or of a refusal to act as a president or director, his place may be supplied by a new election of the shareholders, at a meeting specially called for that purpose.

**Vacancy, how
filled.**

**What No. to
form a board.**

Sec. 5. The president and two directors, or three directors, in absence of the president, shall form a board; and the president, or one director, shall have the power to call a general meeting of the shareholders.

Sec. 6. The president and directors, for the time being, shall have power to employ such managers, mechanics, clerks or servants, as they may think necessary, for the business of the said corporation, and to allow them such compensation for their services as they may deem proper, and require security for the faithful discharge of their several functions and trusts; and shall be capable of exercising such other powers and authorities for the well governing and conducting the affairs of said corporation, as may be directed and described by the ordinances of said corporation.

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Further powers given the board.

Sec. 7. The said corporation shall be allowed to manufacture woollen and cotton, and other goods, as they may think most advantageous; and shall be allowed to buy, sell or exchange any raw material or article, for their use, and for the accommodation of their manufactory.

What the manufactures to consist of.

Sec. 8. At the annual and general meetings of the shareholders, the president and directors shall lay before them a statement of the accounts, with such other information as they may think necessary; when such dividends of the profits shall be declared as they think advisable.

Dividends.

Sec. 9. The shares in said corporation shall be transferable, under such regulations as may be provided by the by-laws of the said institution.

Shares transferable.

Sec. 10. The number of votes to which each shareholder may be entitled at a general meeting, shall be according to the number of shares he may hold, in the following proportion: For one share, and not more than two, one vote; for every two shares above two, and not exceeding ten shares, one vote; for every five shares above ten, one vote; but no person, co-partnership or body politic, shall be entitled to a greater number than thirty votes; and at all elections votes by proxy may be received, subject to the rules of the directory.

Regulations as to voting.

Sec. 11. *Be it further enacted*, That the said corporation shall not possess any power to loan or receive any deposits of money, for the purposes of discount, or in any wise to issue paper for the purposes of banking; and if at any time hereafter, they presume to exercise any such powers, this charter shall be considered as forfeited. Neither shall the said corporation contract

Powers denied to corporation.

And if exercised, charter forfeited.

DECEMBER SESSION,

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any debts over and above one fourth part of their capital at any such time invested in stock ; and if their contracts should at any period exceed such fourth part of their capital, and a consequent failure of property of the concern to pay those debts, each individual shareholder shall be held responsible out of his own estate, in proportion to the interest he may hold in said institution, for the payment of such debts, contracted while a stockholder.

CHAPTER CCXXXV.

An ACT authorising the copying sundry Books and Alphabets in the Register's Office, and making provision for the payment therefor.

Approved February 4, 1815.

CHAPTER CCXXXVI.

An ACT for the relief of the Sheriff of Clay County.

Approved February 4, 1815.

The act gave him further time to produce his delinquent list, and directed the 18 per cent. to be refunded to him.

CHAPTER CCXXXVII.

An ACT to repeal in part the tenth section of an act of Virginia, of 1748, entitled "an act directing the duties of Surveyors of Land."

Approved February 4, 1815.

WHEREAS doubts have arisen in some of the courts of this commonwealth, as to the force and effect of the tenth section of an act of Virginia, of one thousand seven hundred and forty-eight, entitled "an act directing the duty of surveyors of lands ;" which said act is inserted in the first volume of Littell's Laws of Kentucky, page three hundred and eighty-six :

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That the said tenth section of the act of Virginia, entitled "an act directing the duty of surveyors of lands," be, and the same is hereby repealed,

so far as it requires that the burthen of proof of the consideration for which such specialty, note or security was given, shall lie on the plaintiff.

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CHAPTER CCXXXVIII.

An ACT reserving certain Property from Execution.

Approved February 4, 1815.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That after the passage of this act, the following species of property, viz. the spinning wheels and cards, one loom, and other apparatus necessary for making cloth, in each private family, one cow and calf, and all the spun yarn or thread to be manufactured for family use, shall not be the subject of execution or distress. Property exempt from execution.

Sec. 2. *Be it further enacted,* That the cloth manufactured in private families for their exclusive use, with the clothing, and necessary apparel of the woman and children, which are the proceeds of her industry, together with one bed and furniture, shall, in like manner, be free and exempt from execution or distress: *Provided,* that where any person may wish to take the oath of an insolvent debtor, he, she or they may do so, with the exception of the articles exempted from execution in this act, the same as if it had never passed: *Provided also,* that nothing in this act shall be so construed as to affect any contract heretofore made. Cloth, apparel and bedding exempt. Insolvents entitled to same exemptions.

All and every act or parts of acts coming within the purview of this act, shall be, and the same are hereby repealed.

CHAPTER CCXXXIX.

An ACT adding a part of the Lands of the heirs of Colonel Abraham Owen, deceased, and of Doctor James Moore, to the Town of Shelbyville.

Approved February 4, 1815.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That all that part of the Lands belonging to the estate of Colonel Abraham Owen, Lands to be added to Shelbyville, and boundary.

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deceased, and Doctor James Moore, lying at the south-west corner of the town of Shelbyville, contained within the following bounds, to wit: Beginning at the south-west corner of Samuel Harbison's tanyard lot, being corner of the west second cross street and south second back street, running a straight line west with said street, leaving said street fifty feet wide, to a stake, until by a straight line north it will intersect the most westwardly cross street, passing by John M'Cahan's corner; with said line north to the main street, and intersection of the cross street, leaving such cross street fifty feet in width; which shall be laid off in streets and cross streets of the same width, and corresponding with the streets already laid out in said town; the squares of the same size as those already laid off; which land, so laid off, shall be annexed to the town of Shelbyville, and become a part of said town to all intents and purposes, as though it had been included in the bounds of the town, as established by an act establishing the town of Shelbyville.

Vested in the
trustees, their
powers and
duty.

Sec. 2. The ground thus laid out shall be vested in the trustees of the town of Shelbyville, and their successors: who shall make sale of the whole or such part thereof, by lots or parts of lots, under the direction, and at such time and on such terms as the executors of Colonel Abraham Owen, deceased, may direct. And that part included within the bounds belonging to Doctor James Moore, under his directions, and on such terms as he may direct. And any purchaser, owner or holder of a lot or part of a lot, producing to the trustees for the time being, a certificate from the executors of said decedant, that the holder of such certificate, or their assignee, had paid up the full amount of the purchase money, the trustees shall, in that case, make a deed of conveyance for such lots or parts of lots therein contained, as conveyances are required to be made by trustees of towns under the laws of this commonwealth.

CHAPTER CCXL.

An ACT authorising the County Court of Henry to extend certain Alleys in Newcastle.

Approved February 4, 1815.

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CHAPTER CCXLI.

1814.

An ACT for the benefit of the Heirs of Joel Hamm, deceased.

Approved February 4, 1815.

The act appointed commissioners to sell a small tract of land descended to them from their ancestor, for the payment of his debts.

CHAPTER CCXLII.

An ACT to dispose of the Records and Papers of Justices of the Peace, whose offices have become vacant.

Approved February 4, 1815.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That wherever the office of a justice of the peace in any county within this commonwealth, shall have, or may hereafter become vacant, by death, resignation or otherwise, and the records and papers of such justice, whose office is so vacated, are lodged in the office of the clerk of such county court, it shall be the duty of such clerk to inform the court thereof; and the court shall pass an order, directing that such records and papers shall be delivered to a justice of the peace for the county most convenient to where the late justice resided.

How record
of dec'd. just-
ices disposed
of.

SEC. 2. *Be it further enacted,* That the clerk of such county court, shall, within ten days after such order of court is made, deliver to the sheriff of his county, a true copy thereof; and it shall be the duty of such sheriff, to deliver or leave at the place of residence of said justice, directed to receive said records and papers, a true copy of said copy received from the clerk, within twenty days from the reception thereof, and to return the original copy to the office of said clerk, stating in his return, the truth of the case; and the clerk shall file the same in his office.

Duty of clerk
and sheriff in
relation there-
to.

SEC. 3. *Be it further enacted,* That it shall be the duty of the justice, upon receiving such order, forthwith to apply to the clerk of such court for said records and papers; and the clerk shall deliver the same. And the justice into whose hands such records and papers are placed, under the provisions of this act, shall have the

Duty & pow-
er of justices
receiving pa-
pers.

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same power and authority to issue any process thereon, as his own records and papers; and the acts and doings of said justice, on said records and papers, so lodged with him, shall be as good and valid in law, as if done from his own records and papers.

Sec. 4. Be it further enacted, That the clerk of the county court shall, within twenty days after the order of court is obtained, for the disposition of said records and papers, set up at the door of his court-house, a copy of such order.

Sec. 5. And be it further enacted, That when the office of any justice of the peace, has or shall hereafter become vacant, by resignation, removal or the acceptance of an incompatible office, the person so making the vacancy, shall, within thirty days after such vacancy is occasioned, return his official papers and records to the clerk's office of the county court in which he was commissioned a justice, under the penalty of one hundred dollars, to be recovered as other fines are, under the laws of this commonwealth; and to be appropriated towards lessening the county levy of the county in which such justice was commissioned as aforesaid. And when the office of a justice of the peace has, or shall hereafter become vacant by death, his official papers and records shall be transmitted to the clerk's office by his executors or administrators, within two months after they obtain letters of administration. And if no executor or administrator be appointed or qualified to act, then the said papers and records shall be returned by the heirs of such deceased justice, who are above the age of twenty-one years; and by the guardian or guardians of said heirs, if under that age, under the pains and penalties prescribed in the foregoing part of this section, and to be recovered and applied in the same manner.

CHAPTER CCXLIII.

An ACT to provide Camp Equipage, &c. for the Troops now destined for Detroit.

Approved February 4, 1815.

Had its effect.

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CHAPTER CCXLIV.

1814.

An ACT supplemental to the act establishing the Counties of Allen and Daviess.

Approved February 4, 1814.

Had its effect.

CHAPTER CCXLV.

An ACT to authorise Jacob Rees to build a Mill on Big Barren River, and for other purposes.

Approved February 4, 1815.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall, and may be lawful for Jacob Rees to erect a dam across the sluice between the island in Big Barren river, just above where the Nashville old road crosses said river, and the north bank of the river, for the purpose of building a grist-mill, saw-mill and other water works. The said dam across said sluice, to be erected so as not to injure or impair the navigation of said river. Dam not to injure the navigation.

SEC. 2. *Be it further enacted,* That said Rees, before he commences the building of said dam, shall enter into bond with sufficient security, to be approved of by the county court of Warren county, to the commonwealth of Kentucky, in the penalty of ten thousand dollars, conditioned to pay all costs and damages which may accrue to each and all person or persons navigating said river, whose boat or other vessel, and the cargo therein, may be injured or lost by the erection of said dam; which bond shall not be void on the first recovery, but shall remain in force, and may be recovered on by each and all who may be injured by the erection of said dam. Conditions.

SEC. 3. *And be it further enacted,* That from and after the passage of this act, Little river, in the county of Christian, shall remain open and unobstructed, for the purpose of navigation, from its mouth up to Steel's mill, on said river. And any person or persons erecting or causing to be erected, any dams, fish-traps or bridges, on any obstruction to the passage of boats up or down said stream, shall, for every such offence, forfeit and pay the sum of three dollars for every twenty-four hours Little river to remain open, and penalty for obstructions.

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said obstruction shall be permitted to remain therein ; which sum may be recovered before any justice of the peace for said county, by and for the use of any person suing therefor.

CHAPTER CCXLVI.

An ACT to suspend Law Process in certain cases.

Approved February 4, 1815.

As all the subsequent acts on the subject refer to this, and are hardly intelligible without it, it has been deemed advisable to retain it.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That when any execution shall issue in this commonwealth from the clerk of any court, or any justice of the peace, on any judgment heretofore or hereafter obtained, the plaintiff or plaintiffs may endorse, by themselves, their agent or attorney, these words : That " either notes on the Bank of Kentucky or its branches, or the notes on any other incorporated bank of this state, or notes on the treasury of the United States, may be accepted by the officer in discharge of the whole of his execution ;" and in case such endorsement is made, said execution shall be collected or replevied agreeably to the laws now in force, without any further stay or replevin, as hereafter allowed by this act.

Endorsement to be made on executions hereafter to be issued.

And if made to be collected as heretofore.

And if not made the defendant may replevy for 12 months.

SEC. 2. *Be it further enacted,* That when any execution may issue as aforesaid, without an endorsement, shewing the consent of the plaintiff or plaintiffs to take such bank notes and treasury notes, and the said execution be levied on the estate or person of any such defendant or defendants, he, she or they may give bond with approved security, to the officer executing the same, to pay the amount of debt, interest and costs of any such execution, to the plaintiff or plaintiffs, at twelve calendar months ; and the officers of justice shall be regulated in taking the said bond, and renewing execution thereon, as they are now directed by law, in case of replevy bonds at three months.

All original executions

SEC. 3. *Be it further enacted,* That all original executions issued and endorsed by the plaintiff as in this act

allowed, shall be replevied for three months as heretofore, and executions on replevy bonds or on which replevy is not allowed, so endorsed, shall be collected as heretofore. The laws now in force as to executions not endorsed, as directed by this act, shall be suspended until the first day of February, 1816, and at that period they shall be again revived, and this act shall cease to operate.

Sec. 4. *Be it further enacted*, That where any execution shall be in the hands of any officer at the time this act takes effect, and is not then executed, the plaintiff or plaintiffs may make such endorsement as directed by the first section of this act, and thereupon no replevin as allowed by this act, shall be permitted by the officer, but the execution shall be collected or replevied agreeable to the laws now in force; but in case such endorsement is not made, the defendant or defendants shall be entitled to the replevin of one year, as this act directs.

Sec. 5. *Be it further enacted*, That where any individual who is now in the service of the United States, or of this state, as an officer, non-commissioned officer, musician or private, or may be hereafter so called into service, and shall be party to any cause in any court of justice either superior or inferior, upon the calling of any such cause for trial upon an affidavit filed in said court, or by the oath of any disinterested person in open court, that such is the situation of either party; the court shall consider the same as good cause of continuance, and shall continue the same generally, without adjudging costs against either party.

Sec. 6. *Be it further enacted*, That whenever any defendant or defendants against whom judgment is rendered, by any court or justice of the peace in this state, shall prove to the satisfaction of said court, during the term at which judgment is rendered, or before the justice of the peace before execution issues, that the plaintiff or plaintiffs, or any one of them in whose favor judgment is so rendered, or person to whom the debt in fact belongs, is a resident of any of the other states or territories of the United States; and such court or justice shall be satisfied that the state or territory in which the plaintiff or plaintiffs reside, have in force laws suspending their ordinary process for the recovery of debts;

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under this act may be replevied for three months.

The laws now in force suspended in their operation for a certain time.

Where execution is issued but not acted on, the same endorsement required.

And if not made, may be replevied 12 months.

Where a party is in the service of the U. S. to be a good cause of continuance of a suit.

Where a non resident brings a suit against a citizen, the def't. may replevy for 12 months

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such court or justice, shall note the fact at the end of the judgment, and the clerk or justice, shall in the face of the execution after the name of the plaintiff, add the words, "resident of _____ state or territory, whose debts are suspended:" All such executions shall be repleviable on or before the day of sale for one year, or the property sold by virtue thereof, shall be sold at one year's credit, as directed by this act in the case of executions not endorsed with a willingness to accept bank notes or treasury notes.

Endorsement required to be made on the fee bills of certain officers.

Sec. 7. *Be it further enacted*, That no sheriff or constable, within one year after the passage of this act, shall receive from any clerk, sheriff, constable, surveyor, justice of the peace, or other officer, whose fee bills authorize distress, any fee bill for collection by distress, unless a note is made on such fee bill to the following effect: "Notes on the Bank of Kentucky and its branches, or on the United States' Treasury, are receivable in payment;" nor shall any officer, within one year from the passage of this act, attempt to distrain for his own fees, unless such note shall be made at the bottom of each fee bill. All fee bills so noted, may be discharged in the kind of notes so marked thereon, and shall be entitled for the collection thereof to the modes of distress heretofore pointed out by law.

No distress shall be made for fee bills not thus endorsed.

And if endorsement is not made may be replevied for one year.

Sec. 8. *Be it further enacted*, That in payment for property sold under any execution endorsed as directed by the first section of this act, and under any fee bills noted as this act requires, notes on the Bank of Kentucky or its branches, or on the treasury of the United States, shall be received. Replevin bonds payable in one year, as directed by this act, shall contain the requisites of the replevin bonds now in ordinary use, with the proper variation as to the time of payment.

No process to be served on any person after receiving orders to repair to a place of rendezvous under the call of the general or state governments, and

Sec. 9. *Be it further enacted*, That no process which requires service upon the person or property of any person so in the service of the United States, or of this state, shall be served or executed by an officer upon the person or property of such defendant at any time after he receives an order from the proper officer to repair to a place of rendezvous under the call of the general or state government; and this exemption shall continue, and be in force for the period of sixty days after he is regularly discharged from service: *Provided*, this ex-

emption shall not extend to cases of service of process for felony, treason or breaches of the peace.

Sec. 10. *Be it further enacted*, That when any original execution has issued, and has been endorsed as directed by this act; and the same shall be replevied for the space of three months agreeably to the present existing laws; the execution on such replevin bond, whenever it may emanate, shall be endorsed by the clerk or magistrate in the same manner as the original execution was endorsed under this act; and the sheriff or other officer executing the same, shall be governed thereby accordingly, so far as to receive such bank notes or treasury notes as may be endorsed thereon.

Sec. 11. *Be it further enacted*, That the cause of continuance stated in the fifth section, shall be a good cause at any term, or every day of trial until sixty days after the said party shall have been regularly discharged: *Provided*, That no exemptions in the fifth, ninth and eleventh sections, shall ever be extended towards any officer, non-commissioned officer, musician or private, who refuses to march with his detachment, or in any way declines the proper discharge of his duty, or is prevented from marching by sickness or any other cause.

Sec. 12. *Be it further enacted*, That when any execution shall issue not endorsed agreeably to the provisions of the first section of this act, if the same shall not be replevied for one year on or before the day of sale, the officer executing the same, shall sell the estate seized and taken in execution, on a credit of one year; and shall take bond with approved security from the purchaser, conditioned to pay the amount for which the estate may have been sold, with legal interest thereon, within one year from the day of sale; which bond shall contain substantially the requisites of a bond now taken by law for the sale of lands at three months credit, with the proper variation of the species of property sold, and the time of payment; and shall be returned to the clerk's office or justice of the peace, and have the force of a judgment. And if the amount thereof is not paid at the time it becomes due, execution shall issue thereon, as now directed by law in the case of the ordinary replevin bonds, or bonds taken for the sale of land at three months' credit. And the sheriff or other officer,

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for 60 days after his discharge. Clerk to endorse on the executions on replevin bonds taken by virtue of this act.

Cause of continuance above to be a good one for 60 days after the party is discharged. *Proviso*.

Estate taken under executions not endorsed as above directed and not replevied, to be sold at twelve months credit. Purchaser to give bond & security. *Condition*.

Proceedings on it when it becomes due.

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shall have the same commission as if the money was collected ; all which shall be included and taxed by the sheriff, or other officer, with the other costs contained in the execution.

Penalty on a constable failing to return an execution.

Sec. 13. *Be it further enacted*, That it shall be the duty of every constable in this commonwealth, to return all writs of execution which may come to his hands, to the justice of the peace who may have issued it, if such justice shall reside in his county, and continue in office at the return day thereof ; and every constable failing to make such return ten days after the return day thereof, shall be liable to pay the debt and costs mentioned in such execution, to the plaintiff, to be recovered before any justice of the peace, by motion ; ten days previous notice of such motion first having been given to the constable.

How recovered.

When a person has a right to replevy for three months and does not, property taken to be sold at 3 months credit, &c.

Sec. 14. *Be it further enacted*, That in any case where the debtor shall by law have a right to a replevin for three months, and who does not give a replevy bond, that the sheriff or constable shall sell the estate taken in execution, upon three months' credit, and take bonds from the purchasers ; which bonds shall have the force of replevin bonds, to all intents and purposes, and shall be in all respects proceeded on as replevin bonds are by law : *Provided*, each execution be endorsed agreeably to the provisions contained in the first section of this act.

CHAPTER CCXLVII.

An ACT to amend the several acts respecting proceedings in Chancery and at Law.

Approved February 6, 1815.

Preamble.

WHEREAS doubts exist, whether a suit in chancery can be maintained against absent heirs, whose names are unknown, except where the object of such suit is to obtain a division of lands : Therefore,

Suits in chancery may be brought against heirs whose names are unknown

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That all suits in chancery, which may be brought against the heirs of any decedent, where the names of such heirs are known, may be brought against such heirs, where the names are un-

known to the complainant : *Provided, however,* that 1814.
such complainant, before the emanation of any process, ^{Proviso.}
or making any order against such heirs, do file in the
clerk's office, with his or her bill, an affidavit, stating
that he or she does not know the names of such heirs.

Sec. 2. *And be it further enacted,* That in all cases ^{Proceedings}
where the names of some of the heirs are known to the ^{vs. heirs un-}
complainant, and some are unknown ; and in all cases ^{known.}
where the complainant shall know the names of some
of the heirs, and shall not know whether there are oth-
ers or not, it shall be lawful for him or her to proceed
by *subpoena* against those who are known ; and by ad-
vertisement against those who are unknown, in the
same manner he or she might, if the names of all were
unknown.

Sec. 3. *Be it further enacted,* That when any suit in ^{Devises may}
law or equity be pending, and either party thereto, ^{revive.}
shall depart this life, it shall and may be lawful for the
devisee or devisees of any testator to revive the suit :
Provided, the cause of action accrues by the will of the ^{Proviso.}
decedant, to said devisee or devisees, and said devisee
or devisees could support such action if brought anew ;
or should such testator have been a defendant, to have ^{How revived}
the said suit revived, against such devisee or devisees, ^{vs. devisee.}
in the same manner as any such suit may be revived by
or against the heir at law of any decedant.

Sec. 4. *Be it further enacted,* That when any defend- ^{Special pleas}
ant or defendants, in any action founded on any speci- ^{impeaching}
ally or note in writing, shall, by special plea, impeach ^{the consider-}
or go into the consideration of any such instrument, ^{ation of in-}
under the act of assembly, entitled " an act to amend ^{struments, to}
an act entitled an act to reduce into one the several ^{be supported}
acts, for preventing vexatious suits, and regulating pro- ^{by affidavit.}
ceedings in civil cases," approved the eighteenth day of
December, in the year one thousand eight hundred and
one, he shall support such plea by affidavit, stating
therein, that the facts therein contained, are true, as far
as detailed as such, from his own knowledge ; and that
he believes them to be so, as far as detailed as such,
from the information of others : *Provided, however,* ^{Proviso.}
that nothing herein contained shall be so construed as
to throw the burden of proof on the plaintiff or plain-
tiffs.

1814.

CHAPTER CCXLVIII.

An ACT authorising certain advertisements to be published in the Newspaper entitled "The Impartial Observer," printed at Harrodsburg.

Approved February 6, 1815.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That orders of court, advertisements and notices, may be published in the newspaper entitled "Impartial Observer," published in the town of Harrodsburg : And the editor thereof may receive the fees established by law for such services. And all publications shall be as valid, as if the same had been published in any other authorised paper : Provided, that nothing in this act shall authorise the insertion of any order or advertisements, required to be printed in the paper of the public printer.

CHAPTER CCXLIX.

An ACT for appropriating the vacant Lands in this Commonwealth.

Approved February 6, 1815.

WHEREAS there are large quantities of waste and unappropriated lands in this commonwealth, the granting of which, will promote population, increase the annual revenue and erect a fund for public use :

Sec. 1. *Be it therefore enacted by the General Assembly of the Commonwealth of Kentucky, That from and after the last day of February, 1815, any person except aliens may acquire title to so much waste and unappropriated lands as he or she shall desire to purchase, on paying the consideration of twenty dollars for every hundred acres, and so in proportion for a greater or smaller quantity, in manner following : The consideration money shall be paid to the treasurer of this commonwealth, who shall thereupon give to the purchaser a receipt, specifying the purpose for which it was paid ; which being delivered to the auditor of public accounts, he shall give to such person a certificate, stating the quantity of land he or she is thereby entitled to ; upon lodging such certificate with the register of the land-office, he shall*

Land may be taken up at \$20 per hundred acres.

The manner to be pursued.

grant to such person a printed warrant, under his hand and seal of office, specifying the quantity of land, and authorising the county surveyor of any county within this commonwealth, by himself or deputy, to survey and lay off the same ; which warrant shall be valid until executed by actual survey, or exchanged as hereinafter directed.

1814.

Sec. 2. *Be it further enacted*, That all applications for surveys to be made under the provisions of this act, shall be made at the office of the county surveyor of the county in which the land proposed to be surveyed, or part of it, may lie. And it shall be the duty of the said surveyor to enter in a book to be kept by him, the date of the application when made, with the number of the warrant and the number of acres expressed in it, and the name of the person or persons for whom the application is made ; and if more than one application is made on the same day, he shall enter the applications in his books as they are made : and it shall be the duty of the surveyor and his deputies, when they proceed to make the surveys so applied for, to pay the strictest attention to the seniority of application, surveying those first which were first applied for ; and it shall be the duty of any county surveyor to whom application may be made, to make surveys under the provisions of this act, to give the persons making such application, a certified copy of the entry made in his book, of such application, if requested so to do ; and the surveyor may demand and receive from the person making application, twelve and a half cents for making the entry in his book of such application, and giving a certified copy of such entry when required. And where a survey is wanted to be made under the provisions of this act, of land, which survey, when made, may include land in two several counties, the surveyor of either of the counties may make the survey ; and if it shall happen that the surveyors of two counties meet at the same time for the purpose of surveying the same land, the surveyor to whom the first application has been made, shall make the survey ; which applications shall be all numbered as they are made : *Provided, however*, that the county surveyor shall not receive any application to make a survey or surveys under the provisions of this act, other than the application of actual settlers, before the first day of January, 1816.

Application
for surveys ;
to whom
made.

Duty of sur-
veyor respec-
ting applica-
tions.

Surveyor's
fee for enter-
ing applica-
tion.

Regulations
where land
to be survey-
ed lies in two
counties.

Provide res-
pecting appli-
cations of ac-
tual settlers.

1814.
Register's
day.

Sec. 3. The register shall enter, in a well bound book, to be provided for that purpose, the number, date, proprietor and quantity of acres of every warrant; in which book a column for remarks shall be left; and the register, whenever a warrant is carried into grant or exchanged, shall enter the same therein, with a reference to the book and page where the same may be found.

Proprietor
may have one
or more sur-
veys.

Sec. 4. The proprietor of any such warrant, upon lodging the same with the surveyor of any county in this commonwealth, shall be entitled to have one or more surveys executed thereon, (not exceeding in the whole the quantity of acres specified in such warrant) upon any waste or unappropriated lands which he or she, or their attorney or agent, may point out or show for that purpose; which survey or surveys shall not be less than one hundred and fifty acres, unless the same shall be adjoined all round by the lines of prior existing claims; and in that case the surveyor shall state in the certificate of survey, the name of all the persons whose lines the same may bind on; and in that case the register is hereby directed to receive and register such survey so certified, for a less quantity than one hundred and fifty acres.

Not less than
150 acres, ex-
cept adjoin-
ed by prior
claims.

Surveyor to
certify, & re-
gister to re-
ceive such
surveys.

Surveyor to
proceed to
survey, & pe-
nalty for re-
fusal or ne-
glect.

Sec. 5. Every surveyor shall, by himself or deputy, upon application being made to him as above mentioned, proceed immediately to make survey or surveys upon such warrant; and should any surveyor neglect or refuse so to do, he shall forfeit and pay to the proprietor of such warrant one hundred dollars for each hundred acres of land mentioned therein, and at the same rate for a greater or smaller quantity, to be recovered of him by action of debt, at the suit of the party injured: *Provided, however,* that if at the time such application is made, the surveyor is engaged in those duties of his office which will not admit of being postponed, without injury to the persons concerned, his finishing such business and proceeding immediately thereafter to make a survey or surveys, by himself or deputy, as required, shall exonerate him from the penalties aforesaid.

Proviso res-
pecting the
surveyor's be-
ing engaged
in his office.

Regulations
respecting
boundary, &
surveyor's
duty on that
subject.

Sec. 6. Every survey made under warrants obtained by virtue of this law, shall be bounded plainly by marked trees, stones, if to be had, or stakes, except where a water course or ancient marked line shall be the boundary; they shall be made in the presence of two house-

keepers resident in the county in which the survey may be made, and who are in no respect interested in such survey; and the surveyor shall, upon finishing the survey, and before leaving the ground surveyed, specify in his field notes for whom the survey was made, the number of the warrant, and have the same attested by the said house-keepers; which field notes shall be carefully preserved, be subject to inspection, and to have copies taken therefrom, in the same manner as any other books or papers in the surveyor's office.

Sec. 7. The surveyor shall, as soon as it can conveniently be done, and within three months from making the survey, at farthest, make out and record a fair and true plat and certificate of the survey, setting down at the foot thereof the names of the house-keepers aforesaid, and of the chain-carriers and marker; and shall write on the face of the warrant executed, in full, or to as many acres as the case may be, and sign his name thereto. He shall, upon request, thereafter deliver to the proprietor or to his agent or attorney or order, the plat and certificate and warrant.

Sec. 8. Every plat and certificate of survey made under this law, together with the warrant upon which it was founded, shall be lodged in the register's office within one year from the date of making the survey; they shall remain in the same office for six months, after which time grants shall issue for the land in the usual form. When a warrant shall be carried into grant or exchanged, the register shall write on the face of the warrant, satisfied or exchanged, as the case may be, and sign his name thereto.

Sec. 9. And to prevent any kind of doubts as to the kind of title derived under this act, *be it further enacted*, that the actual survey shall be considered the commencement of the title; and when perfected by grant, the title shall relate to the time of survey, so as to be available in courts of law against an elder grant founded upon a younger survey.

Sec. 10. And for quieting litigation, *be it further enacted*, that all entries heretofore made, and all titles founded upon surveys heretofore made, which by the laws at the time being were authorised to be made, shall be deemed superior to surveys made upon warrants obtained by virtue of this act, notwithstanding any alleged

1814.

Surveyor's duty in making out & recording plat & certificate of survey.

When survey to be returned, and how long to remain in the register's office—his duty in that respect.

Actual survey, the commencement of title.

What description of entries, &c. to be deemed superior.

1814. **vagueness in the entries or certificates on which surveys were founded, and notwithstanding such surveys may not be made conformable to entry; and that no lands shall be subject to appropriation under the provisions of this act, that hath reverted to the commonwealth by escheat, or for non-payment of the tax or taxes due thereon, or for a failure to enlist the same for taxation, or for any forfeiture that may have happened from a failure to pay the instalment or instalments due thereon prior to the passage of this act; and that no lands are to be appropriated by this act to which the Indian claim is not extinguished.**

Register's duty respecting plats not returned in time.

Grants to be valid from the date of the registry only.

Warrants, &c assignable, & deemed personal estate.

Deficiencies may be supplied by new warrant.

Register's fee.

Sec. 11. Should any plat and certificate of survey obtained under this act, be not returned into the register's office within the period herein prescribed, such plat and certificate may nevertheless be registered, the register endorsing thereon "received after the regular time;" and in issuing grants on all such plats and certificates, the register shall, after reciting the date of the survey, recite the date when the same was registered; to which latter time only this grant has relation; and the title conveyed by such grants shall, in contests with other claimants, be considered valid from the date of the registry only, and not from the date of the survey, as is herein provided for those claims which are registered in due time.

Sec. 12. Warrants and plats and certificates obtained by virtue of this law, shall be transferable by assignment, and until a survey be made upon a warrant, it shall be deemed personal estate, and may be sold by executors or administrators.

Sec. 13. *If the proprietor of any warrant desire it, he may, by filing in the register's office any warrant obtained by virtue of this law, have it exchanged for smaller warrants, equal in the whole to the quantity specified in the original warrant. In like manner,* when a survey shall be made for less than the whole quantity of acres specified in any warrant, the holder, upon filing the warrant with the plat and certificate in the register's office, may take out a new warrant for the deficiency. For every warrant obtained under this section, there shall be paid*

* The words in Italics are in the enrolled bill, but were ordered to be stricken out, as appears by the engrossed bill and the minutes thereon; and is not law.

to the register of the land-office, a fee of twenty-five cents, to be accounted for as the other fees of his office are. 1814.

Sec. 14. *Be it further enacted*, That this act shall not take effect and be in force until the first day of December next, except as to persons who shall at the passage thereof be actual settlers upon vacant land, who may respectively, from the day of the passage thereof until the said first of December 1815, appropriate not exceeding four hundred acres, including his actual settlement: *When to take effect as to settlers.* *Provido res.* *pecting the* *proof of actual* *settlement,* *and proceed-* *ing to obtain* *grant.* *Provided*, that every settler shall obtain from the circuit or county courts of the county in which the land upon which he is actually settled lies, a certificate that the said court has been satisfied by disinterested and creditable testimony, that the claimant is an actual settler upon the land which he claims to appropriate in that character; which certificate shall be lodged with the register, who shall, upon receiving the certificate of the auditor that the money has been paid into the treasury, together with the aforesaid certificate of the circuit or county courts, grant to the said actual settler a warrant for not exceeding four hundred acres including his settlement; which warrant shall be proceeded upon in other respects pursuant to the provisions of this act.

Sec. 15. *Be it further enacted*, That the money acquired under the provisions of this act, shall be, and the same is hereby reserved in the treasury, subject to the further disposition of the legislature. *Money re-* *served.*

Sec. 16. *Be it further enacted*, That this law shall continue and be in force until the first day of January 1818, and no longer; and that all laws allowing persons to relinquish to the commonwealth, any claim or part of a claim of land taken up under the laws of this state, and for which the state price is not paid in full, shall be suspended during the time this act is in force; and all such relinquishments made during the time aforesaid, shall be void; and no actual settler shall be allowed to appropriate, either directly or indirectly, more than four hundred acres under this act. *To expire in* *1818.* *Respecting* *relinquish-* *ments.* *Settler not en-* *titled to more* *than 400 ac-* *res.*

1814.

CHAPTER CCL.

An ACT for the benefit of William Dupuy and others.

Approved February 7, 1815.

The act authorised surveys to be made and patents to issue on some Virginia rights barred by the act of limitations.

CHAPTER CCLI.

An ACT for the benefit of Jeremiah Munsey.

Approved February 7, 1815.

He had apprehended three deserters, and served one campaign, for which this act gave him a credit for six tours of duty.

CHAPTER CCLII.

An ACT for the relief of the Sheriffs of Hardin and Floyd Counties.

Approved February 7, 1815.

The act gave them, respectively, some credits to which they were entitled.

CHAPTER CCLIII.

An ACT for the relief of the heirs of Samuel Shannon, deceased.

Approved February 7, 1815.

The act appointed commissioners, with authority to settle the disputes in which the lands inherited from their ancestors were involved.

CHAPTER CCLIV.

An ACT to provide for the opening a Road running from Lindsey's Station, in Scott County, on Lacount's Run, to the Ohio, between the Big Bone and the mouth of the Kentucky River.

Approved February 7, 1815.

Comm'rs. to
view & mark
road.

SEC. 1. BE it enacted by the General Assembly of the Commonwealth of Kentucky, That Robert Johnson, Duncan Campbell, Henry Yates, Jonas Jones and Philip

Webber, shall be, and they are hereby appointed commissioners, who, or a majority of them, after being duly sworn by a justice of the peace, for the purposes hereinafter mentioned, shall proceed to view and mark the nearest and best way for a road, for the ease and convenience of the public, leading from Lindsey's station, in Scott county, on Lacount's run, to the Ohio, between the Big Bone and the mouth of the Kentucky river. And should any person through whose land the said road shall be viewed, object to the opening the same, the sheriff of the county in which the land may lie, shall, at the direction of the commissioners, or a majority of them, summon a jury to meet on the land on a certain day, (in the said commissioners' order mentioned) who, after being duly sworn, shall ascertain the damages that may be occasioned by opening said road: *Provided*, that such road shall not be opened until such damages shall be paid by said commissioners.

Sec. 2. *Be it further enacted*, That for raising a fund for paying such damages and opening said road, the commissioners, or a majority of them, are hereby authorized to open subscriptions to aid them in the above purposes, and for paying any other charges respecting the same, as the said commissioners, or a majority of them, may direct. And the said commissioners are hereby vested with power to sue for and recover any sum or sums of money so subscribed, in the same manner as sums of like amount are usually recovered; which money so recovered shall be applied for the purposes aforesaid; and the report of said commissioners shall be returned to the county courts of each county through which the said road shall run, to be by them established; and said courts shall appoint surveyors, and allot hands to keep said road in repair, after it has been established and opened as aforesaid.

Sec. 3. *And be it further enacted*, That it shall be the duty of the commissioners aforesaid, ten days previous to the court at which it is intended the said road shall be established, to notify the proprietors, or their agents, through whose waste land the said road is proposed to be established, (if to be found within the county) to show cause why such road should not be opened.

1814.

CHAPTER CCLV.

An ACT to regulate the Penitentiary.

Approved February 7, 1815.

**Agent's of-
fice abolished** SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That so much of any law as creates the office of the agent of the penitentiary, shall be, and the same is hereby repealed.

**Agent and
keeper to
make out in-
voice, &c.** SEC. 2. *Be it further enacted,* That it shall be the duty of the agent of the penitentiary, within ten days after the passage of this act, together with the keeper thereof, to make a fair invoice of all the manufactured articles, and raw materials on hand, and a list of all the notes and accounts due the institution, showing when the debt became due, the amount thereof, and by whom owing; and whether by note, bill or open account; and shall deliver the whole over into the hands of the keeper, taking from him receipts on duplicate invoices and statements above required. One shall be retained by the keeper, and recorded in a book to be by him kept for that purpose; the other shall be delivered to the auditor of public accounts, and by him charged to the keeper, in an account to be opened in his books for that purpose. And the agent shall also deliver to the keeper, a correct statement of debts due from the institution.

**Keeper to re-
cord invoices** SEC. 3. *Be it further enacted,* That it shall be the duty of the keeper to invoice and record in the said book, at the end of every month, the articles manufactured in said institution during that month, and to transmit to the auditor a copy of each and every such invoice, signed by himself; the amount of which the auditor shall likewise charge to said keeper. That it shall be the duty of said keeper, at the end of every three months, counting from the first of December in each year, to make out and deliver to the auditor, a particular and detailed account of monies laid out, or paid away, on account either of debts due from the institution, or for necessities furnished the convicts, and other charges incident to the institution, or for raw materials for the operations of the convicts; and shall also include in said account, all the monies received by him, either for debts due the institution, or for sales made of manufactured articles, within the said three months, together with an account

**Duty of the
keeper re-
specting man-
ufactured ar-
ticles.**

of the whole sales during that time ; and the auditor shall keep in his books a regular account of the same.

1814.

Sec. 4. *Be it further enacted*, That it shall be the duty of the keeper, on the first day of December, annually, to invoice the manufactured articles on hand, and make out a schedule of the debts due to and from the institution, and to transmit a copy thereof to the auditor ; and it shall also be his duty to lay before the legislature, in the first week of each annual session, a statement of the situation of the institution.

Further duty of the keeper in making invoices and schedule.

Sec. 5. *Be it further enacted*, That the keeper shall have authority to coerce and collect all debts and demands due the institution, and to pay and discharge all debts due from it ; and shall have the same power and authority to make contracts for the institution, that the agent thereof possessed.

Sec. 6. *Be it further enacted*, That all suits brought, or which may be brought, on notes heretofore given to the agent of the penitentiary, shall be maintained in his name, for the benefit of the institution ; those which may hereafter be commenced on open accounts already contracted, shall be brought in the name of the commonwealth of Kentucky, for the use of the penitentiary. All notes hereafter executed, shall be given to the commonwealth of Kentucky, for the use of the penitentiary ; and all suits brought, whether on notes, bonds, contracts or upon open accounts hereafter contracted, shall be brought, prosecuted and maintained in the name of the said commonwealth, for the use of the penitentiary.

Suits to be brought, and how maintained.

Sec. 7. *Be it further enacted*, That the circuit court of Franklin county, and general court, shall have and hold concurrent jurisdiction of all suits or actions hereafter to be brought on behalf of said penitentiary, when the matter of controversy shall exceed twenty dollars ; and all process may issue from said courts, and the clerks' offices thereof, for the commencement and prosecution of such demands as are now by law allowed in other cases cognizable in said court ; which process may be directed to, and executed by the sheriff of any county in this commonwealth where any defendant or defendants may reside ; or they may be directed to, and executed by the sergeant of the court of appeals, at the discretion of the keeper. And all suits or actions which may be brought in said court, either in the name

Suits to be in the name of the commonwealth.

General and circuit courts to have concurrent jurisdiction.

Process may be executed by sheriff or sergeant.

Suits to be placed with the 3rd day's business.

1814.

of the agent, or of the commonwealth, for the use of said institution, shall be placed by the clerk first on the docket, on the third day's business of said court.

Salary of the
keeper.

Sec. 8. *Be it further enacted*, That the keeper shall be allowed out of the funds of said institution, the sum of three hundred and seventy-five dollars, annually, for the purpose of employing a competent clerk to keep the books of the institution, and to assist him in the collection of the debts and other business of said institution.

Keeper to sell
old iron.

Sec. 9. *Be it further enacted*, That the keeper shall, within convenient time, advertise for twenty days in the paper of the public printer, and sell at auction, upon a credit of three, six or nine months, as may seem best, the parcel of bar iron lying on hand at the penitentiary and which is unfit for its manufactories.

Keeper's per
cent.

Sec. 10. That the keeper shall hereafter receive the ten per centum allowed by law on the profit of the manufactured articles, when the same are sold and the money collected and accounted for, after deducting the price of the raw material, instead of receiving the same when they are manufactured.

Comm'r's ap-
pointed to
settle agents'
accounts.

Sec. 11. *Be it further enacted*, That John Brown, Richard Taylor and Thomas W. Hawkins, shall be, and they are hereby appointed commissioners, any two of whom may act, to settle the accounts of the several agents of the penitentiary; that for that purpose they may give the agent whose accounts they intend investigating, twenty days notice to attend at the penitentiary; and the keeper shall permit the said commissioners, during such investigation, to have free access to the books and papers of the institution; and the said commissioners shall be allowed two dollars per day each for their services, and shall report to the next legislature the result of the investigation. The said commissioners shall make a statement of the number of days they shall have been employed under this act, supported by their affidavit, and the auditor of public accounts shall issue thereon a warrant in their favor, payable at the treasury.

Allowance to
comm'r's.

Proviso rela-
tive to keep-
er's per cent.

Provided, that the keeper shall only be allowed ten per cent. on the money collected from the articles manufactured since the first day of December 1814, agreeably to the provisions contained in the ninth section of this act.

This act shall commence and be in force from and after ten days from the passage thereof.

CHAPTER CCLVI.

1814.

An ACT to provide for the further publication of the Decisions of the Court of Appeals.

Approved February 8, 1815.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky.* That the governor shall nominate, and by and with the advice and consent of the senate, appoint a fit person a reporter of the decisions of the court of appeals. Governor to nominate reporter.

SEC. 2. *Be it further enacted,* That it shall be the duty of the said reporter, to publish the decisions of the said court, in volumes of about six hundred octavo pages each, to be printed in a good type, on good paper, with a complete alphabetical table of cases, and an index of principal matters, well bound in law binding and lettered, commencing with the fall term 1808, and progressing regularly with the decisions given since that time, omitting the arguments of counsel in all cases. Duty of the reporter.

SEC. 3. *Be it further enacted,* That the said reporter shall, at least annually, finish and deliver two hundred and fifty copies of one volume of the said decisions, for the use of this commonwealth, into the secretary's office; and shall receive as a compensation for the same, at the rate of five dollars for every six hundred pages of printing contained therein, tables and indexes being taken into the calculation. And when the said reporter shall deliver in the office of the secretary of state, the copies aforesaid, if the said secretary, upon examination, shall find that the work is well done, he shall certify the receipt thereof, and the amount due to the said reporter, at the above mentioned rate, to the auditor of public accounts; who shall, if approved by the governor, issue a warrant thereon in favor of the said reporter, which shall be paid out of the public treasury; and the said reporter shall moreover be entitled to the copy right of said reports. At least 250 copies to be delivered in the secretary's office. Reporter's compensation. Secretary of state to certify to the auditor.

SEC. 4. *And be it further enacted,* That the price in this act allowed for the said two hundred and fifty copies for the use of this commonwealth, shall, upon motion made in the general court, by the attorney-general, be subject to such reduction as the said court may adjudge, if the work shall not be as well executed as is intended by this act, the said reporter having ten days previous notice of such motion. Allowance subject to a deduction before general court.

1814.

CHAPTER CCLVII.

An ACT authorising and defining certain duties to be performed by the Quartermaster General of this State.

Approved February 8, 1815.

Preamble.

WHEREAS considerable delays have taken place in the payments to the militia of this state, in consequence of no officer being appointed on the part of this state, to receive the funds from the paymaster general of the United States : For remedy whereof,

Quartermaster general may receive monies from paymaster general of U. States.
To give bond and security; penalty of bond.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the quartermaster general shall be authorised to receive from the paymaster general of the United States, or his deputy, any sum due, or that may become due, for services rendered to the United States, by the militia of this state. And he shall enter into bond with two or more securities, to be approved of by the governor, to the commonwealth of Kentucky, in the penalty of \$100,000, conditioned to be void on the faithful discharge of the duties; which bond shall be renewed from time to time, according to the provisions of a law, approved in January, 1810, entitled "an act concerning the bonds of certain officers, guardians, executors and administrators."

How Q. master to draw monies from treasury.

Sec. 2. The monies appropriated by the laws of this commonwealth, from the public treasury, for the payment of militia services, shall be drawn from the treasury by the quartermaster general, quarterly, or oftener, if necessary. But no money shall be drawn by him, until he shall have made out and signed an estimate of the sum necessary for that quarter's payments, which shall be approved of by the governor.

Quartermaster general's duty.

Sec. 3. He shall judge of the vouchers upon which payments are to be made, and prescribe the form and manner of making payments. He shall advance to the paymasters of regiments, detachments or companies of militia, who may be entitled to pay, the sums requisite for that purpose : *Provided, however,* that no money shall be paid to such paymaster, until he shall have entered into bond in the county court of the county in which such paymaster may reside, with two or more securities, to be approved of by said court, in the penalty of \$20,000; a copy of which shall be certified by the clerk to the quartermaster general.

Proviso respecting money advanced to paymasters, their bond & penalty.

Sec. 4. All the paymasters who receive funds from the quartermaster general, shall render their accounts to, and settle with him for the money so received, at such times as he may prescribe by the general regulations of his office, and pay over to him any balance remaining in their hands on such settlement. 1814.
Quarterly settlements.

Sec. 5. The quartermaster general shall settle quarterly with the auditor of public accounts, for all monies received by him, and pay into the treasury any balance due from him. But in such settlement he shall have credit for all sums he may have advanced, according to the provisions of this act, to regimental or other paymasters. Auditor to proceed for balances in the general court.

Sec. 6. For any failure either to make a settlement or to pay into the treasury any balance due by the quartermaster general, the auditor shall, upon giving ten days previous notice, move the general court for judgment in behalf of the commonwealth of Kentucky, against the quartermaster general and his securities, or any one or more of them, for the amount unaccounted for, or unpaid by him: Upon the hearing of which motion, a copy from the auditor's books of the account against the quartermaster general, certified by the auditor to be correct, or in his absence by his clerk, shall be evidence against the quartermaster general, and the court shall render judgment for such sum as is unaccounted for, or unpaid, with ten per centum interest thereon, from the time it should have been paid or accounted for, until it shall be paid, with costs of suit, as in cases against delinquent sheriffs.

Sec. 7. When any regimental or other paymaster, shall have received from the quartermaster general, any money under the provisions of this law, and shall fail to account for the same, or pay over the balance due from him, the quartermaster general shall have the same remedy, by motion in the general court against such delinquent paymaster and his securities, as by this act is given to the auditor of public accounts against the quartermaster general in case of his failure. Remedy against regimental paymaster.

Sec. 8. It shall be the duty of the attorney general to prosecute all motions on behalf of the auditor of public accounts, against the quartermaster general, and in behalf of the quartermaster general, against regimental Attorney general's duty.

1814. and other paymasters, arising under this act. He shall, for his services, be entitled to a fee of five dollars on all motions in which judgments may be entered for the commonwealth; which sum shall be taxed in the bill of costs, and paid over to him by the sheriff or other officer collecting the money recovered by such judgment.

His fee.

Stationery & office furniture.

Sec. 9. The actual advances of the quartermaster general for the stationery for his office, including forms and blanks furnished to regimental paymasters and others, and also his actual advances for tables, presses and other necessary office furniture, shall be paid out of the treasury of this state, upon his exhibiting an account thereof, approved by the governor.

His per cent. regulated.

Sec. 10. He shall receive a per centum on all sums he may receive and pay away in any one year, on behalf of the United States: On every sum not exceeding twenty-five thousand dollars, one per cent.; or if above twenty-five and not exceeding fifty thousand, three quarters per cent.; or if above fifty thousand and not exceeding one hundred thousand, one half per cent.; or if above one hundred and not exceeding two hundred thousand, one quarter per cent.; and for all sums drawn from the public treasury and paid to the several paymasters on behalf of the state, one per cent.; which per centum shall be paid out of the public treasury, on the quartermaster general producing the paymasters' receipts to the auditor of public accounts, who shall issue his warrant for payment accordingly: *Provided, however,* that nothing herein contained, shall be so construed as to authorise the auditor to calculate the per centum on the different sums that may be received in any one year, but upon the whole amount so received and paid out.

Respecting the calculation of per centum.

His office at Frankfort.

Sec. 11. *Be it further enacted,* That the quartermaster general shall keep his office at the seat of government, from and after the passage of this act.

This act shall continue in force one year, and no longer.

CHAPTER CCLVIII.

1814.

An ACT to increase the Capital of the State Bank.

Approved February 8, 1815.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That the capital stock of the Bank of Kentucky, shall be, and the same is hereby increased two millions of dollars, in addition to the present stock; to consist of twenty thousand shares of one hundred dollars each; of which ten thousand shares are hereby reserved for the state of Kentucky, to be subscribed for from time to time by the executive thereof, as it shall be convenient, having due regard to the funds out of which such shares shall be payable.

Sec. 2. *Be it further enacted*, That the remaining ten thousand shares shall be sold or subscribed for in such manner and at such times as shall be ordained by the president and directors of the bank: *Provided however*, that no sale of stock hereby added, shall take place within one year from the passage of this act; but within that period subscriptions shall be opened and received under the directions of the directors; and after the expiration of the year, any balance not subscribed for may be either sold or subscribed for, as the directory may determine.

Sec. 3. *Be it further enacted*, That the Bank of Kentucky shall be, and the same is hereby authorised to deal in exchange, in treasury notes of the United States, and in the funded debt thereof; and shall vest similar powers in its branches.

Sec. 4. *Be it further enacted*, That so much of an act entitled "an act to establish a state bank," as prohibits a loan to any person or persons residing in any other state or territory, shall be, and the same is hereby repealed.

Sec. 5. *Be it further enacted*, That the president and directors are hereby authorised to grant loans to the United States: *Provided*, the whole amount loaned, does not exceed, at any one time, five hundred thousand dollars, nor be for a longer time than two years.

Sec. 6. *Be it further enacted*, That the directors of the bank, and of each of its branches, shall, before they presume to act in that character, severally take an oath or affirmation before some justice of the peace of this

Capital stock increased two millions of dollars. Divided into 20,000 shares. 10,000 reserved for the state.

Remaining 10,000 to be sold or subscribed for. Proviso.

Additional powers granted to the bank and its branches.

Loans may be made to non-residents.

Directors may loan to the U. States. Proviso.

Directors to take an oath.

1814.
Substance
thereof.

A violation of
which oath is
declared to
be perjury.

Regulations
as to the loans
of directors.

Notes of the
mother bank
and branches
to be current
in each other

commonwealth, "that they will not, during their continuance in that office, obtain from the institution, (including the branches) directly or indirectly, a loan of any greater sum than five thousand dollars; and that they will faithfully discharge the duties of a director to the best of their ability." A certificate of which oath, made out by the justice, shall be lodged by each in the files of the bank of which he is a director. A violation of which oath, by any director, shall subject him to a prosecution and conviction for perjury, under the laws of this commonwealth, in relation to that crime.

Sec. 7. *Be it further enacted*, That the allowance to any director of the mother bank, or any of its branches, by way of accommodation, to the amount of five thousand dollars, and the allowance of endorsement to the amount of ten thousand dollars, as given by the original charter, shall include the whole credit of such director, and that no director shall, either directly or indirectly, contract a greater debt to the bank; nor shall the bank, or any of its branches, by purchasing the negotiable notes, bills, drafts or paper, engaging to pay money of any director, increase the debt of any director beyond the said allowance given by the original charter, by purchasing the negotiable notes, bills, drafts or paper, engaging to pay money of any director, increase the debt of any director beyond the said allowance given by the original charter.

Sec. 8. *And be it further enacted*, That the notes of the mother bank, and each of the branches now established, or which may hereafter be established, shall be current in each other, and be received on account, or for any debt due to the Bank of Kentucky or either of its branches.

CHAPTER CCLIX.

An ACT establishing the Town of Covington, at the mouth of Licking.

Approved February 8, 1815.

Preamble: WHEREAS it is represented to the present general assembly, that it would be advantageous to the state; and more particularly to the inhabitants of the counties

of Boone, Campbell and Pendleton, if a town were established on the land lately purchased of Thomas Kennedy, by Richard M. Gano, Thomas D. Carneal and John S. Gano, situated at the mouth of Licking river, on the lower side thereof: Therefore,

1814.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That one hundred and fifty acres of land at the place aforesaid, is hereby vested in Uriel Sebree, Alfred Sandford, Joseph Kennedy, William Hubble and John C. Buckner, gentlemen trustees, for the purpose of a town and out-lots, and be established as such by the name of "COVINGTON." That the said trustees, or a majority of them, shall have full power and authority to dispose of the lots as at present laid off by the proprietors of said land, at public auction, for the best price that can be gotten in ready money; or so many of said lots, and at such credits, as the said proprietors shall approve; the day of sale having been previously advertised by the said proprietors.

Trustees appointed, and Covington established.

Power of trustees, &c.

Sec. 2. *Be it further enacted,* That the said trustees shall convey the lots sold to the purchasers in fee simple, upon the purchasers' producing the receipt or order of the said proprietors. And they shall have power to make regulations for the government of said town; to settle all disputes between the boundaries of lots, and shall be entitled to such immunities and privileges as towns in the commonwealth possess and enjoy: *Provided always,* that nothing in this act shall be so construed as to affect the right of any person or persons, to the said one hundred and fifty acres of land, or any part thereof; but any person or persons, establishing his or their rights to the same, shall have full power to sue for, and recover the purchase money, with interest from the said proprietors. In case of the death, resignation or refusal to act, of any one or more of the said trustees, such vacancy shall be filled up by the appointment of a majority of the remaining trustees: *Provided, however,* that said proprietors shall enter into bond, with sufficient security, in the sum of fifty thousand dollars, in the county court of Campbell county, at a court previous to the sale of said lots, conditioned to repay the price of said lots, with interest, to any person or persons who may establish a better claim to said land, or any part thereof.

Proviso in respect to any other claim.

Proprietors to give bond and security, and for what.

DECEMBER SESSION,

1814.

CHAPTER CCLX.

An ACT concerning the State-House.

Approved February 8, 1815.

Had its effect.

CHAPTER CCLXI.

An ACT altering the December Term of the General Court, and regulating motions against delinquent Clerks, and for other purposes.

Approved February 8, 1815.

Gen. court
to sit in Jan-
uary.Motions for
December to
be made in
January.Auditor may
move vs.
clerks with-
out notice.When a court
is not held,
motions to be
made at the
succeeding
court without
notice.Notices to be
made on the
correspond-
ing day of
next term.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That hereafter, a term of the general court shall commence on the first Monday in January, in each year, instead of the second Monday in December, as now provided by law. And all motions authorised by law, to be made at the December term, against delinquent sheriffs, or against other delinquent collectors, without notice, may be made in like manner at the January term, and all other business shall be transacted at the January term, in the same manner as authorised by law at the December term.

Sec. 2. *Be it further enacted,* That if any clerk of this commonwealth, shall fail to render an account of the taxes received by him in his office, as required by law, the auditor of public accounts, may, at the July term of said court next after the failure, move against said clerk, without giving any previous notice, for judgment for the penalty imposed by law, in the same manner and under the like rules and regulations, as are prescribed by law, for failing to pay into the treasury the amount due on such account.

Sec. 3. *Be it further enacted,* That if a court shall not be held at any term prescribed by law, all motions authorised to be made without notice, at such term, may be made in like manner, at the next term at which a court shall be holden.

And whenever a notice shall be given in a suit of the commonwealth, of a motion to be made at any term of said court, at which a court shall not be held, such motion may, without any other notice, be made on the corresponding day of the next term at which a court shall be held.

XXIII. YEAR OF THE COMMONWEALTH.

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CHAPTER CCLXII.

1814.

An ACT concerning the Town of Port-William, in Gallatin County.

Approved February 8, 1815.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall and may be lawful for the present trustees of the town of Port-William, and their successors, or a majority of them, on the tenth day of March, annually, to levy a poll tax on the free male inhabitants of the said town, over the age of twenty-one years; and also to levy a tax on the real property lying within the said town; which said tax shall be due on the 10th day of April thereafter: *Provided, however,* that the tax so levied on real property, shall not, in any one year, exceed the sum of twelve and an half cents on any in-lot, and twenty-five cents on every out-lot, as originally laid off in said town; and that the poll tax so levied, shall not exceed the sum of one half dollar on each person subject thereto.

Trustees to impose a tax.

SEC. 2. *And be it further enacted,* That the trustees as aforesaid, shall, annually, in the month of March, appoint a collector, for the collection of all taxes laid by virtue of this act; and to stipulate the compensation to be allowed him for the same; and take bond, with one or more securities, payable to the said trustees and their successors, conditioned for his faithful collection and accounting for all taxes imposed by virtue of this act, and within the time stipulated therein.

To appoint a collector, and take bond & security.

SEC. 3. *And be it further enacted,* That it shall be the duty of the trustees of the said town, on or before the tenth day of April, annually, to furnish the collector of the said taxes with a list of the names of all persons subject to the poll tax, and with a description by the numbers of the lots of all real property subject to taxation within the said town, and the amount of tax assessed thereon; and it shall be the duty of such collector, immediately thereafter, to proceed to collect the said taxes. And if any person subject to such poll tax, shall fail to pay the same to such collector, on or before the tenth day of May annually, then and in such case it shall and may be lawful for such collector to make collection of the same by distraining the goods and chattels of such person or persons so failing, in the same manner as sheriffs

Trustees to furnish the collector with list of names and number of lots—and commissioner's duty.

1814-

Trustees to
convey to pur-
chasers.

Property sold
redeemable.

Provision for
infants, &c.

may distrain and sell goods and chattels in collecting the county levy. And where any person owning real property lying within the said town, shall fail to pay the tax levied as aforesaid, on or before the first day of June annually, it shall be the duty of such collector to advertise the said real property for sale, distinguishing such real property by the number of the lot or lots on which such tax may be due, together with the sum due on each lot, for eight weeks successively previous to the day of sale, at the court-house door within the said town, and also for eight weeks successively, previous to the said day of sale, in some newspaper printed in the town of Frankfort; the sale to be at the court-house door within the said town. And should the owner or owners of such lot or lots fail to pay the said tax before the day of sale, together with the necessary costs and expences attending the advertising the same, that then it shall and may be lawful for such collector, then and there, agreeable to such advertisement, to proceed to sell, under the inspection and direction of a majority of the said trustees, such lot or lots so advertised, to pay the tax then due on such lot or lots, together with the necessary costs attending such advertisement. And it shall be the duty of the said trustees, and their successors, at any time after the expiration of the time limited by this act for redemption, to convey the same to the purchaser or purchasers, by good and sufficient deed or deeds of indenture, with a special warranty.

Sec. 4. *And be it further enacted*, That all real property sold by virtue of this act, shall be redeemable within two years from the day of sale thereof, upon the payment of the tax and costs due at the time of sale, and an interest of one hundred per centum per annum thereon, and all taxes which may become due after the sale thereof: *Provided always*, that all infants and *femes covert*, whose real estate may be sold by virtue of this act, shall be allowed three years after their several disabilities are removed, to redeem the same, on the payment of the tax and costs due at the time of the sale, and all the taxes that may be due and paid until such redemption, together with the interest thereon at the rate of six per centum per annum from the time such tax or taxes became due until such redemption: *And provided also*, that the redemption money as aforesaid may be paid to

the clerk of the board of the said trustees, and his certificate shall be good for the same.

1814.

Sec. 5. *And be it further enacted*, That it shall be the duty of the collector of the taxes as aforesaid, within ten days after the sale of any lot or lots sold in pursuance of this act, to make out a true and faithful list of such lot or lots so sold, with the name of the purchaser, and return the same to the clerk of the board of the said trustees; and it shall be the duty of the said clerk to record the same in a book to be kept for that purpose, for the information of all persons concerned.

Duty of collector.

Sec. 6. *And be it further enacted*, That the trustees aforesaid shall not have power to assess any tax on any ware-house lot, that now is, or shall hereafter be established by law within the limits of said town; neither shall they have power to assess any tax on the public square, or lots belonging to the county of Gallatin, nor on the lots now belonging to the academy within the said town.

Lots exempted from execution.

Sec. 7. *And be it further enacted*, That if the collector or collectors appointed in pursuance of this act, shall fail or refuse, on or before the first day of September, annually, to account for and to pay over to the said trustees of the town, all money or monies by him or them collected, or which ought to have been collected by such collector, or to the order of the said trustees, the delinquents being first deducted, and his compensation for collecting; such collector or collectors, so failing or refusing, and their securities, shall be liable to pay the amount thereof, or the balance due from him, together with interest thereon, at the rate of 20 per cent. per annum on the money unaccounted for by him or them, from the time it should have been paid, until it shall be paid, recoverable in the circuit court of the county of Gallatin, by motion, on ten days' previous notice being given to the said collector and his securities; and the execution to be issued on said judgment, shall be endorsed by the clerk of the said court, that "no security of any kind is to be taken."

Proceedings on delinquent collectors.

Sec. 8. *And be it further enacted*, That the said trustees shall have power to add to their present market-house, to appoint a clerk of the market, to prescribe his duties, to make by-laws and ordinances for the government of the market, and affix penalties to any breach

Respecting the market & meeting of slaves.

1814.

thereof, not exceeding ten dollars in any one case; to make regulations concerning the meeting of slaves in said town, and make such other rules and regulations for the good government of said town, as they may deem necessary to the health, peace and security of the inhabitants: *Provided*, that such rules and regulations be not inconsistent with the constitution and laws of this commonwealth.

Publish by-
laws.

Sec. 9. *Be it further enacted*, That it shall be the duty of the trustees to have their by-laws and ordinances made public, by advertising the same at the market-house and court-house door in said town.

Tax show-
men.

Sec. 10. *And be it further enacted*, That the said trustees shall have power to impose a tax on any person or persons, who for compensation may exhibit any show or feat in said town: *Provided*, the same do not exceed the sum of ten dollars per day for any show or feat. And if the said person or persons, exhibiting such show or feat, shall fail or refuse to pay the tax laid on him or them by said trustees, it shall and may be lawful for the collector appointed as aforesaid to distrain the goods and chattels of the delinquent or delinquents, and make sale of the same, after giving ten days' notice, by advertising the same at the court-house door in the said town.

How monies
to be employ-
ed.

Sec. 11. *And be it further enacted*, That the trustees aforesaid, or a majority of them, shall apply all monies that may be received by virtue of this act, towards clearing and amending the streets, lanes and alleys in said town, and to such other uses as may by them be deemed proper and beneficial to the said town.

Repealing
clause.

Sec. 12. *And be it further enacted*, That all laws and parts of laws, coming within the purview of this act, be, and the same are hereby repealed.

CHAPTER CCLXIII.

An ACT authorising the transcript of certain records in the County Court of Pendleton.

Approved February 8, 1815.

CHAPTER CCLXIV.

1814.

An ACT supplemental to the act further to regulate the payment of the debt due the Commonwealth for the sale of vacant Lands.

Approved February 8, 1815.

The act to which this is a supplement, will be found in this Volume, page 141.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That no person or persons other than an actual settler, shall be authorised to redeem land which has been forfeited to the commonwealth for a failure to redeem the same within the time authorised by law, so as to give him, her or them any right, title or claim to the same, when it shall interfere or conflict with the survey of a person actually settled on the land, or with a seminary claim, or any other claim entered, surveyed or patented; nor with any claim whatever, which has been previously redeemed, and the instalments due paid thereon; or with an actual settler on vacant land; nor with any person whatever who has improved and is cultivating vacant land adjoining the lands he lives on. And should a grant issue, contrary to the true intent and meaning of this act, it shall be null and void, so far as it does so interfere: *Provided, however,* that no person shall be allowed to settle on any claim that has been forfeited to the state, where partial payment has been made, so long as such claimant is allowed to redeem the same: *Provided,* that nothing herein contained shall be so construed as to prevent infants, *femes covert* or persons of unsound minds, and their respective representatives, from redeeming lands which may be stricken off to the state, until three years after their several disabilities shall be removed.

None but settlers to redeem land forfeited to the commonw'th.

Provided.

CHAPTER CCLXV.

An ACT more effectually to enforce the Law directing the mode of taking in Lists of Taxable Property.

Approved February 8, 1815.

SEC. 1. BE it enacted by the General Assembly of the Commonwealth of Kentucky, That each commissioner authorised to take in lists of taxable property, shall re-

Regulations where persons give in false lists, &c

1814.
 affix too low a
 value, or re-
 fuse to give
 in lists.

port to the court, when he returns his list taken in, all persons who may have omitted to give in their lists of taxable property, or have given in a false and fraudulent list, or, in the opinion of said commissioner, have fixed too low a value on his taxable property, or any part thereof. And in case any person has wholly refused to give in his or her list, or to affix the value thereof, the commissioner, from the best information he can get, shall report the articles of taxable property belonging to such delinquents, and shall add thereto the value thereof, according to his judgment; which value may be used by the county court as *prima facie* evidence of the value.

Clerk to issue
 summons a-
 gainst delin-
 quents.

Sec. 2. *Be it further enacted*, That the clerk of each county court with whom any such report is filed, shall forthwith issue a summons against such delinquents; and on the return thereof, the court shall, as soon as may be, proceed to hear and determine the same, and give judgment for a fine and triple tax, as heretofore directed by law, and to determine the value whereon to fix the triple tax. The court, by the report of the commissioner, oath of the party, or other competent evidence, may proceed to ascertain the articles of taxable property belonging to such delinquent, and the value thereof.

Courts to im-
 pose fine and
 triple tax.

Sec. 3. *Be it further enacted*, That the county court of each county, at each term throughout the year, shall have power to impose the fine and triple tax, in any case brought properly before them.

Sheriff or col-
 lector to re-
 port delin-
 quents.

Sec. 4. *Be it further enacted*, That whenever it shall be known at any time in any year, to the sheriff or collector of the revenue, that any person has failed to give in his or her list of taxable property, such sheriff or collector shall report such delinquent to the court of his county; who shall, by summons, proceed to inflict the fine and triple tax, as in other cases reported by the commissioners. No sheriff or commissioner shall be

Court to as-
 certain arti-
 cles of taxa-
 ble property.

liable for costs in any case reported by them. In cases reported by the sheriff, the court shall proceed to ascertain the articles of taxable property belonging to such delinquent, and the value thereof, by the oath of the party, or such other competent evidence as may be in their power. No person, by any excuse whatever, shall be exempted from a fine and triple tax, as now imposed

Regulations
 respecting de-
 linquents.

by law for any defalcation, unless he or she shall deliver to such court a full and fair list of his or her taxable property, with the value annexed; and in case the court adjudge that such delinquent has not violated the law, he or she may be discharged; and one copy of said list, with its value, shall be certified forthwith to the sheriff or collector, and another to the auditor of public accounts; and the sheriff or collector shall proceed to collect the tax from said person, according to the per cent. fixed by law, and shall account for the same to the treasury, in the same manner, and at the same time he accounts for the revenue of his county. The clerk shall certify forthwith, to the sheriff or collector, and also to the auditor of public accounts, the list and value of taxable property of any individual triple taxed by order of court, and that the same was triple taxed; and the sheriff shall proceed to collect three times the per centum fixed on the value, in the same manner as other taxes, and shall account for and pay the same to the treasury, in the same manner and under the same rules and regulations as the other revenue from his county.

1814.

Sec. 5. *Be it further enacted*, That every person or persons, who have failed to give in his, her or their list of taxable property, during the year 1814, shall have until the first day of May next, to give in his, her or their list or lists, as if this act had not passed.

Until 1st May
to give in lists

Sec. 6. *Be it further enacted*, That for any defalcations during the year 1814, reported by the commissioner or sheriff, the county court of each county shall, after the first day of May next, proceed to issue summonses, and inflict the fine and triple tax now imposed by law; and in fixing the number of taxable articles, and value of the property of any delinquent, may resort to such legal and competent proof as may be in their power, and shall inflict the fine and triple tax accordingly.

Respecting
defalcations.

Sec. 7. *Be it further enacted*, That every commissioner of the tax, and the clerks of the several county courts, in making out their books containing lists of taxable property, shall distinctly notice the company and regiment wherein such person resides whose list has been taken.

Duty of clerks
and comm'rs.

Sec. 8. *Be it further enacted*, That any commissioner of this commonwealth, who may have heretofore, or who shall hereafter fail to return his list of taxable prop-

Clerk to re-
ceive comm'rs'
books & give
copies to the

1814. erty to the clerk of the county court within the time prescribed by law, it shall notwithstanding be the duty of the clerk to receive the same when returned; and as soon thereafter as practicable, transmit a certified copy of such list to the auditor of public accounts, and deliver a similar copy to the sheriff or collector: *Provided, however,* that such commissioner shall still be subject to be fined for failing to make his return by the time prescribed by law.

sheriff & auditor.
 Act of 1813 repealed. Sec. 9. *Be it further enacted.* That an act passed or approved on the third day of February 1813, entitled "an act to amend an act further to amend the law altering the mode of taking in lists of taxable property," shall be, and the same is hereby repealed; and that all laws repealed by said recited act, shall be, and the same are hereby revived, except so far as they may be altered or changed by this act: *Provided, however,* that all fines and penalties inflicted by said act hereby repealed, shall be prosecuted and recovered, for offences committed previous to the time this act takes effect, in the same manner, and subject to the same rules and regulations as if this act had not passed.

Revivor.

Proviso.

CHAPTER CCLXVI.

An ACT to reduce the Revenue Tax for 1814, to be collected in 1815.

Approved February 8, 1815.

Rate of per cent to be collected. SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall be the duty of the sheriffs of this commonwealth, to collect upon the valuation contained in the commissioners' returns, for the year 1814, after the rate of fifteen cents for every hundred dollars contained in the valuation of each individual's land, and other property, and so in proportion for a smaller or greater sum; and that the taxes to be collected upon the lands of non-residents, shall be charged and collected at the same rate; and that the taxes on tavern licenses, billiard tables, stud horses and jack asses, shall be collected as directed by the sixth section of the act entitled "an act to amend the several laws establishing a permanent revenue," approved January 31st, 1814.

Nonresidents at the same rate.

Tavern license, &c. by act of 1814.

Sec. 2. *And be it further enacted*, That so much of the recited act as requires the auditor of public accounts to ascertain the rate of per centum to be charged and collected on the value of lands, and other taxable property, and to transmit the same to the sheriffs of the different counties, shall be, and the same is hereby repealed. And the sheriffs shall advertise at the door of the court-houses, respectively, at the March or April courts, the rate per hundred dollars fixed by this act.

1814.

Duties of the auditor under said act repealed. Sheriff to advertise the rate of per centum.

CHAPTER CCLXVII.

An ACT authorizing certain Advertisements to be published in "The Telescope."

Approved February 8, 1815.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That orders of courts, advertisements and notices, may be published in the newspaper called "The Telescope," printed at Bardstown; and the editor of said paper shall respectively receive the fees established by law, for such services as he may perform under this act, and that such publications shall be valid between the parties, as if the same had been made in any other authorised paper of this commonwealth: *Provided, however*, that nothing herein contained shall be so construed as to authorise the insertion of any advertisements in said paper, which are by law required to be inserted in the paper of the public printer.

CHAPTER CCLXVIII.

An ACT to amend the several acts concerning the importation and emancipation of Slaves.

Approved February 8, 1815.

Sec. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That from and after the passage of this act, no slave or slaves shall be imported into this commonwealth.

No slave to be imported into this state

Sec. 2. *Be it further enacted*, That every person hereafter importing slaves into this commonwealth, contrary to this act, shall forfeit and pay the sum of six hun-

Penalty.

1814.	dred dollars, for every slave so imported; and every person selling or buying any such slave, shall, in like manner, forfeit and pay the sum of two hundred dollars, for every such slave so sold or bought; which sums shall be recoverable on an indictment or information in any court of record, and shall belong to the commonwealth, and be payable into the treasury thereof. An indictment for any of the penalties inflicted by this act, shall not be subject to any shorter limitation than five years from the time of the commission of the offence; and such indictment may be found on the information of any one of the grand jury, or any other credible person, and no prosecutor shall be necessary in said indictment.
Penalty for buying or selling.	
How to be recovered.	
Limitation.	
What proof required.	On the trial of any such indictment, if it be proved on behalf of the commonwealth, that the defendant or defendants have brought to this state any slave, and sold the same, it shall be sufficient to subject such defendant or defendants to the penalties inflicted by this act, unless he, she or they can prove to the satisfaction of the jury, that he, she or they have taken the oath hereafter required, and have not violated the same; and that he, she or they have removed from any other state or territory of the United States, and have become a permanent resident of this state; or that he, she or they, having been residents of this state, acquired or derived title to the slave or slaves in question, by marriage, descent or devise made to them; and that at the time such title accrued, by marriage, descent or devise, said slave or slaves were in some other state or territory of the United States, and that such slave or slaves were brought here in consequence thereof; or that residing in this state, he, she or they have brought such slave with an intent of keeping him, or her, or them for their own service; or that he, she or they were travellers, or were sojourners, making only a transient stay in this commonwealth, and brought such slave or slaves for the purpose of necessary attendance, and with the intent of carrying such slave or slaves again out of the state.
Persons who bring slaves to this state, to make oath.	Sec. 3. <i>Be it further enacted</i> , That no defendant or defendants, who have been a resident or residents of any other state or territory of the United States, and shall remove to this state, to reside therein, and bring with him, her or them, any slave or slaves, shall be discharged or acquitted from the pains and penalties inflicted by

this act, unless he, she or they can satisfactorily prove, by competent legal evidence, that within sixty days after his, her or their arrival in the commonwealth, he, she or they have taken the following oath or affirmation, before some justice of the peace, to wit: "I, A. B. do swear (or affirm) that my removal to the state of Kentucky, was with an intention to become a citizen thereof, and that I have brought with me no slave or slaves, and will bring no slave or slaves to this state, with intent of selling them." And shall further show and prove, that the certificate of such oath or affirmation, granted by the magistrate, has been recorded in the clerk's office of the county where such oath or affirmation was taken, within thirty days after the date thereof. Each certificate of the oath or affirmation filed with the clerk of any county in which the same was administered, shall be recorded by him, for which he shall be entitled to a fee of twenty-five cents.

1814.

Certificate of
oath to be re-
corded.

Sec. 4. *Be it further enacted*, That this act shall be given in charge to every grand jury empaneled in the circuit courts of this state: *Provided, however*, that no purchaser shall be subject to the penalties of this act, unless he shall have committed the act knowingly.

Proviso.

This act shall commence and be in force from and after the first day of May next.

CHAPTER CCLXIX.

An ACT to amend the Penal Laws of this Commonwealth.

Approved February 8, 1815.

Sec. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That any person, and his, her or their aiders or abettors, who shall be convicted of wilfully and maliciously stopping the passage of salt water conducted through pipes from any well to any cistern or furnace where salt is making within this commonwealth, shall undergo a confinement in the jail and penitentiary house, for a period of not more than three years, nor less than one year.

Punishment
for stopping
salt water.

Sec. 2. *Be it further enacted*, That any person, his, her or their aiders or abettors, convicted of wilfully and ma-

Punishment
for filling up
well.

1814.

liciously destroying or filling up any well or pump of salt water in use, so as to stop the use and benefit of said well or pump, shall undergo a confinement in the jail and penitentiary house, for a period of not more than three years, nor less than one year.

People of color to be whipped.

Sec. 3. *Be it further enacted*, That any slave or person of color, convicted before any justice of the peace, of either of the offences stated in the two first sections of this act, shall receive, on his or her bare back, thirty-nine lashes.

CHAPTER CCLXX.

An ACT supplemental to the act to regulate the Penitentiary.

Approved February 8, 1815.

The act to which this is a supplement, will be found at page 274 of this Volume.

WHEREAS the office of the agent in the penitentiary has been abolished, and no provision made for certifying the accounts thereof: For remedy whereof,

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That all the accounts of the penitentiary shall be certified by the keeper; which shall be evidence in the same manner as heretofore, when certified by the agent.

Sec. 2. *Be it further enacted*, That the keeper shall enter into bond in the sum of twenty thousand dollars, in the same manner that other public officers are directed by law, instead of giving bond annually for five thousand dollars.

Sec. 3. *Be it further enacted*, That in addition to the commissioners appointed to settle the accounts of the different agents of that institution, that George Madison, William Trigg and William Hunter, are hereby appointed; any two of whom, or any two of those appointed under the act to which this is a supplement, may proceed with the business.

CHAPTER CCLXXI.

1814.

An ACT concerning County Levies and certain Officers' Fees.

Approved February 8, 1815.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That all county levies laid by any county court hereafter, shall be payable in notes on the Bank of Kentucky and its branches, or Insurance Company, and notes on the United States' Treasury. And the sheriffs or collectors of county levies shall receive such notes in payment of said levies and militia fines; and in making distress for the same, shall sell the property distrained, payable in such notes; and the county creditors shall be bound to receive the said notes from the sheriff or collectors, in discharge of their respective demands.

County levies and militia fines to be collected and paid over in bank notes.

Sec. 2. *Be it further enacted,* That any county court within this commonwealth, may, if they shall deem it expedient, at their term held in March or April next, by their order, suspend the collection of their county levies for twelve months from the passage of this act, except so far as shall be sufficient to discharge the sums due to such county creditors as shall agree to have an entry made on the record of the court, that they will receive such notes in payment. And the said court, after ascertaining the amount so agreed, may, by their order, reduce the sum laid on each titheable, so as to retain a sufficient levy to be collected and payable in such notes to the whole of the creditors agreeing that such entry shall be made; and in case the court shall so direct, the sheriff or collector shall collect and distrain payable in such notes; and the balance of the county levy in such case, shall stand suspended as aforesaid.

Collection of county levy may be suspended, &c.

Sec. 3. *Be it further enacted,* That in lieu of the endorsement on fee bills, as required by the seventh section of the act entitled "an act to suspend law process in certain cases," approved 4th day of February, 1815, it shall be sufficient for a clerk or other officer, putting fee bills for collection into the hands of any sheriff, or other officer, for collection, to deliver to such officer a duplicate of the list of the fees so put into his hands, with a certificate thereon to the following effect: "That notes on the Bank of Kentucky and its branches,

Regulations in relation to the endorsement and collection of officers' fees.

1814.



or Insurance Company, and on the United States Treasury, will be received in payment for all or any part of the fee bills contained in this list." And the same shall, in substance, be entered on the list retained by the officer delivering the fee bills for collection on which the sheriff or other officer's receipt is taken for the collection and accountability of the fees therein listed: And no sheriff or other officer, shall distrain for any fee bill for twelve months after its delivery to him for collection, due to any clerk, sheriff or surveyor; nor shall he be liable for a judgment against him for a failure to collect and pay, unless the officer to whom the same shall be due, if alive at the time of delivery, shall have engaged in the above manner, or by endorsement on the fee bills, to receive such notes in payment. And it shall be the duty of every sheriff and other officer into whose hands fee bills shall [have] been placed for collection, to advertise at the court-house door at two several court days, before he proceed to collect, that the said notes will be received in payment; and for a failure to do so, shall be liable to be fined twenty dollars, to be recovered before a justice of the peace, by warrant; one half to the use of the prosecutor, and the other half to be applied toward lessening the county levy.

Cases excepted from replevy.

Sec. 4. *Be it further enacted*, That nothing in the said recited act contained, shall be so construed as to permit any sheriff or other collector of taxes, county levies, officers' fees or militia fines, to replevy any judgment or execution obtained against such collector for the same, nor permit any sheriff or other officer, to replevy any judgment or execution, for monies collected by him upon the execution of any person or persons, nor any attorney at law to replevy any judgment or execution had against him for money or other thing received by him for a client or clients, nor any collector of a town or corporation tax, to replevy any judgment or execution against him, for money or other thing received by him as such.

CHAPTER CCLXXII.

An ACT for the appropriation of Money.

Approved February 8, 1815.

DECEMBER SESSION, 1815.

CHAPTER CCLXXIII.

1815.

An ACT for the relief of William Kester, senior.

Approved December 12, 1815.

He had purchased from Adam Shepherd 557 acres of land, in Shelby county, supposing it had been patented, and had resided on it upwards of 20 years; it appeared not to have been patented: This act released to him the commonwealth's right to the land.

CHAPTER CCLXXIV.

An ACT to amend an act entitled "an act for the erection of a new County out of the County of Ohio."

Approved December 14, 1815.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky.* That from and after the passage of this act, the county of Daviess, shall be bounded as follows: Beginning at the mouth of Blackford's creek, thence up the same opposite to Joseph Wright's; thence with the straight line marked by Moses Cummins, to the upper end of Crane Pond on Panther creek; thence with the line marked by the deputy surveyor of Ohio county, to the east fork of Buck creek; thence down the same to Green river; thence down Green river to the Henderson county line; thence with the said line to the state line; thence up the said Ohio river with the state line to the beginning.

Boundary of
Daviess coun-
ty altered.

SEC. 2. *Be it further enacted,* That all laws or parts of laws, coming within the provisions of this act, shall be hereby repealed.

Repealing
clause.

1815.

CHAPTER CCLXXV.

An ACT to regulate the Town of Greensburg, in Green County.

Approved December 21, 1815.

Trustees,
how elected.

Their power.

May impose a
tax on said
town.

Commission-
er to be ap-
pointed.
His duty.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That the free male inhabitants of the said town who shall have attained the age of twenty-one years or upwards, and have been residents of said town for three months, previous to the time of election, together with those who may be the fee simple owners of ground in said town, are hereby authorised and required to meet at the court-house of the county aforesaid, on first Monday in April next, and on the same day in each succeeding year, and to elect seven trustees for said town; which trustees, or a majority of them, shall form a board, and shall be authorised to make any by-laws for the regulation and government of said town, which they may deem necessary, not inconsistent with the laws and constitution of this commonwealth.

Sec. 2. *Be it further enacted,* That the said trustees, or a majority of them, shall have full power and authority to impose such a tax, annually, on the inhabitants of said town, and persons owning property within the limits thereof, not exceeding one hundred and fifty dollars per year, as to them may seem proper, for keeping in repair the public springs, streets and other works of public utility in said town, or for any other purposes which the trustees aforesaid, or a majority of them, may think proper for the benefit of said town; which tax shall be apportioned among its inhabitants and persons owning property within the limits thereof, by laying such a per centum on the value of all such property, both real and personal, within the limits of the town aforesaid, as the said trustees, or a majority of them, may think proper; or they may, at their discretion, raise the sum aforesaid, or any part thereof, by a capitation tax on the inhabitants of said town, and persons owning property therein.

Sec. 3. *Be it further enacted,* That the aforesaid trustees, or a majority of them, shall have full power to appoint a commissioner, annually; whose duty it shall be to apply to the inhabitants of the town respectively, and

to such inhabitants of the county of Green, as may own property within the limits of the town, for the purpose of receiving from each, a list of all such property, and the value thereof, as may have been subjected to taxation in the manner above mentioned. It shall be the duty of each person so applied to, to furnish the commissioner with a list of such property, with the value annexed thereto, as he may have been the owner of, on the first day of March preceding the application; and on refusal or failure when applied to, or on giving in a false and fraudulent list, shall be subject to a fine of ten dollars and costs, to be recovered in the name of the trustees, or a majority of them, upon warrant before any magistrate, to be applied to the same purposes as the taxes above mentioned are directed to be applied. The application by the commissioner above mentioned, shall be made at any time in the months of April or May annually. The commissioner shall return the lists aforesaid, to the clerk of the trustees so soon as he may have them completed, alphabetically arranged in a book for that purpose. Such property in said town, as may be owned by persons who are not residents of the county aforesaid, shall be valued by the commissioner, and lists thereof arranged as above directed in a separate book, be also returned to the clerk at the same time.

1815.

Penalty for giving a false list.
How recoverable.

Further duty of the com'r.

Sec. 4. *Be it further enacted*, That no person shall be eligible as a trustee of said town, unless he shall have resided in the limits thereof, for six months previous to his election, nor unless he be the fee simple owner of ground therein, and at least twenty-five years of age.

Qualifications for trustees.

Sec. 5. *Be it further enacted*, That the said trustees, or a majority of them, shall appoint their clerk annually, and any other officers they may think proper; and they, or a majority of them, shall have power to inflict a fine not exceeding ten dollars for every breach of their by-laws, to be sued for and recovered in their name, before any justice of the peace, and applied to the uses above specified.

A clerk to be appointed.

Fines; how recoverable.

Sec. 6. *Be it further enacted*, That after the trustees have laid and apportioned the taxes under this act, they shall appoint annually a collector thereof, whose duty it shall be to collect and account for the same to the trustees, within two months after he shall have been furnish-

Collector to be appointed and his duty.

1815. ed with a list of said taxes; and the said collector is hereby authorised to distrain and make sale of any personal property, in the same manner as the collectors of the revenue are directed to do by the existing laws of this state on that subject, in case of failure or refusal to pay; and the said collector shall be allowed such compensation as the trustees, or a majority of them, may think reasonable, not exceeding five per centum on the sum collected, to be paid out of any money in the hands of the trustees. The collector, before entering on the duties of his office, shall enter into bond to the trustees, in the penalty of three hundred dollars, conditioned for the faithful performance of his duty, and shall take a solemn oath, administered to him by any one of the trustees before the board of trustees, faithfully to discharge the duties of his office to the best of his judgment; and if he shall fail to collect the taxes in the time aforesaid, or to account for the same to the trustees when collected, the trustees may, upon giving him and his securities ten days written notice thereof, recover judgment against them in the county court of Green county, for the sum which he shall have failed to account for, together with twenty-five per centum on the sum so detained, and the costs of the motion.
- His compensation. How proceeded against. Vacancies, how filled. When to meet, may appoint a clerk, &c.
- Sec. 7. *Be it further enacted,* That in case of vacancy in the board of the trustees aforesaid, the remaining trustees, or a majority of them, shall meet at the court-house of the county, at any time, and fill such vacancy by the nomination of a person qualified as above mentioned; which trustee or trustees so appointed shall possess the same powers as the others, and remain in office until others are elected to supply their places.
- Sec. 8. *Be it further enacted,* That the trustees, after they are elected, shall meet at the court-house of the county, on the first Saturdays in February, May and September, annually, and at such other times as they may think proper. They shall remain in office until others are elected in their place, and may make such compensation to their clerk and commissioner, as they may think proper. The clerk shall take an oath, administered by any one of the trustees when in session, faithfully to preserve all books and papers confided to his care by the trustees, and in all respects faithfully to discharge his duty to the best of his skill.

Sec. 9. Each trustee and commissioner shall also take an oath, to be administered by some justice of the peace, faithfully and honestly to discharge their duties to the best of their judgment; which oath shall be noticed by the clerk on the record book of the trustees.

1815.

Trustees and commissioner to take oath.

Sec. 10. *Be it further enacted*, That a majority of said trustees shall have power to inflict a fine not exceeding five dollars, on any trustee for failing to attend any of the above-stated meetings of the board, without a sufficient excuse, to be recovered by a warrant in the name of the other trustees, before any magistrate; the trustee intended to be so fined having had ten days' previous notice in writing to appear before the board of said trustees, and show cause, if any he can, why he should not be fined.

Trustees finable for failing to attend meetings.

Sec. 11. *Be it further enacted*, That when any persons holding property in said town, do not reside in the county of Green, it shall and may be lawful for the collector to levy upon the goods and chattels of the tenant in possession, for the amount of tax due on said property; and in case there should be no tenant or occupier of the property, the town collector shall place the tax bill in the hands of the sheriff of the county where the owner of such property may reside; who shall receive and collect the same, under the same rules and regulations, fines and forfeitures, as the said collector is liable to.

Taxes of non-residents, how collected.

Sec. 12. *Be it further enacted*, That elections for trustees under this act, shall be superintended and directed by any justice of the peace, who shall deliver the persons elected certificates of their elections; which shall be noticed by the clerk and filed away by him.

Mode of conducting election.

Sec. 13. The trustees having advertised for one month at the court-house door of the county, shall proceed to expose at public sale, all the unsold lots in said town, upon such a credit as the proprietor of the town may direct, and shall take bonds from the purchasers with approved security, to the aforesaid proprietor: and shall cause a re-survey to be made of all the out-lots of said town, and pay for the same out of any money in their hands, and shall procure a plan of the town; which, with such re-survey attached thereto, they shall cause their clerk to record and preserve.

Unsold lots in said town to be disposed of.

Sec. 14. This act shall not take effect until the last day of March next.

DECEMBER SESSION,

1815.

CHAPTER CCLXXVI.

An ACT for the relief of Edmund Talbot, of Henderson County.

Approved December 21, 1815.

A grant had improvidently issued to him for a head-right claim located on military land, after he had obtained a certificate of removal and surveyed it elsewhere: This act authorised the register to issue a patent for the land it had been removed to, on his delivering up the patent for the land it had been removed from.

CHAPTER CCLXXVII.

An ACT for the benefit of Actual Settlers.

Approved December 21, 1815.

Preamble. WHEREAS it is represented to the present general assembly, that the waste and unappropriated lands in this commonwealth, are generally of little value; and that the persons settled upon them are poor, and in many instances unable to advance money for the procurement of warrants under the act passed at the last session of the legislature on that subject:

Persons settled on vacant land given the exclusive right of appropriating them, until 1st Sept. next. Sec. 1. *Be it therefore enacted by the General Assembly of the Commonwealth of Kentucky,* That any person who was an actual settler on waste and unappropriated land, on the sixth day of February last, may obtain a warrant for any number of acres not less than fifty, nor more than two hundred, including his or her improvement, and shall have the exclusive privilege of entering and surveying the same, until the first day of September next.

In making appropriations, how to be governed. Sec. 2. *Be it further enacted,* That all persons desirous of acquiring lands under the provisions of this act, shall be governed by the same rules and regulations as are prescribed in the act above alluded to, entitled "an act for appropriating the vacant lands in this commonwealth," approved the 6th day of February 1815.

To whom the provisions of this act shall extend. Sec. 3. *Be it further enacted,* That the provisions of this act shall apply as well to those who were actually settled upon waste and unappropriated land, on the first day of December 1815, as to those who were settled under the provisions of the above recited act, on the sixth day of February in the year aforesaid; and the former shall be as much availed of the provisions hereof, as the

XXIV. YEAR OF THE COMMONWEALTH.

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latter: *Provided*, the settlers since the 6th day of February 1815, shall not interfere with the settlers prior to the 6th February 1815, and two hundred acres, including the first actual settler's improvement as near in the centre as surrounding claims shall admit.

1815.

Proviso.

Sec. 4. *Be it further enacted*, That nothing in the 10th section of the above recited act, to which this is an amendment, shall be so construed as to give a preference to any claim held by any person or persons under the laws of this state, covering the residence of the actual settler, whose settlement, with some portion of land around it, has been protected by any former law of this state.

The construction which is to be given to the 10th section of the above recited act.

CHAPTER CCLXXVIII.

An ACT for the relief of the Sheriffs of Nicholas and Warren Counties.

Approved December 21, 1815.

They were respectively allowed longer time to pay up the revenue.

CHAPTER CCLXXIX.

An ACT to authorise the Citizens of the Town of Lebanon, in Washington County, to appoint Trustees in said Town, and for other purposes.

Approved December 21, 1815.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That the owners of lots in the town of Lebanon, in Washington county, shall, on the first Monday in March, annually, elect five fit persons as trustees for said town, who shall establish such rules and regulations respecting the police of said town, as to them may seem best; which trustees, when elected, shall possess the power and perform the duties hereinafter enumerated. The return of persons so elected, shall be made to a clerk to be appointed by said trustees, and by him to be recorded in a journal to be provided for that purpose. In all future elections, the election shall be conducted by one or more of the then acting trustees, to be appointed for that purpose by the board of trustees; and ten days' previous notice there-

Owners of lots to elect trustees.

Powers of trustees.

To appoint a clerk.

Elections, how conducted.

1815.	of shall be given by the clerk of said board, in the most public place in said town ; and the return of persons so elected shall be made to the clerk of said board, and by him recorded in their journal. The said trustees,
Oaths of trustees.	before they proceed to business, shall take an oath to discharge the duties of their office as trustees, without favor, affection or partiality. And the clerk of the said board shall have power to administer the oath, as also oaths to any person coming before the board under the direction of this act. All vacancies, occasioned by death, resignation or otherwise, of any of the said trustees, shall be supplied by an election to be holden on some day named by the clerk of said board. The clerk
Vacancies, how filled.	so appointed shall receive a compensation for his services, to be paid by the trustees out of the money arising from the tax aforesaid ; and shall hold his office until the next annual election for trustees ; but for good cause, may be removed. And the clerk, before he enters upon the duties of his office, shall take an oath, to be administered by the chairman of said board, that he will, to the best of his skill and ability, make true entries of the proceedings of said board, and that he will safely keep the books and papers given him in charge.
Compensation to clerk.	The said trustees shall have power to levy an <i>ad valorem</i> or capitation tax, according to their discretion, on the property, both real and personal, in said town, or its citizens ; and enforce the collection of a sum not exceeding fifty dollars, annually, if they think proper, and apply the same to repairing or improving the streets and alleys of said town. The trustees, when they have apportioned the tax, shall appoint a collector, whose duty it shall be to account for such tax within three months after a list of the same shall be put into his hands ; and if any person or persons shall refuse to pay the same, the said collector shall have power to seize and sell so much of his, her or their property, as will be sufficient to make the tax by him or her due ; and the collector shall deliver the money so collected to the trustees, deducting therefrom such compensation for his services, as said board may think proper. <i>Provided, however, that</i>
Clerk to be sworn.	before the said collector shall proceed to business, he shall enter into bond, with sufficient security, in a penalty of one hundred dollars ; and should he fail to comply with the conditions, it shall and may be recovered in
Trustees may levy taxes.	
Appoint a collector.	
His compensation.	
To enter into bond.	
How proceed against.	

the Washington circuit court, by motion made by any one of the board. 1815.

Sec. 2. *Be it further enacted*, That the trustees shall have power to make such by-laws as they may deem necessary, for their internal government, not inconsistent with the provisions contained in this act, or the constitution of this state, or the laws of the United States. All actions or motions, as pointed out in the provisions of this act, shall be in the name of the trustees of the town of Lebanon. Further power of trustees

Sec. 3. *Be it further enacted*, That the citizens and owners of lots in said town, be, and they are hereby allowed one year from the third day of April 1816, to complete the buildings in said town. Further time allowed to owners of lots to complete buildings.

CHAPTER CCLXXX.

An ACT prescribing certain duties to the Surveyors of Bath and Warren Counties.

Approved December 21, 1815.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That until a surveyor is duly commissioned, and has taken the oaths and given the bonds of office, in and for the county of Montgomery, the surveyor of Bath county, may, by himself or deputies, do any official business as surveyor, or execute any survey required, permitted or directed by law, throughout the whole county of Montgomery, in as legal a manner as he is authorised to do in the county of Bath. And all work or surveying done in Montgomery county, by the surveyor of Bath county, under this act, shall be as legal and valid as if done by a duly qualified surveyor of Montgomery county. Surveyor of Bath may act.

Sec. 2. *Be it further enacted*, That it shall be lawful for the surveyor of Warren county to record the several surveys made by himself and deputies, that were made within the present boundary of the county of Allen, before the division of the said county of Warren; and that the register receive and register the same as in other cases. Duty of the Warren surveyor.

1815.

CHAPTER CCLXXXI.

An ACT for the relief of William Reddick, former Sheriff of Campbell County.

Approved December 21, 1815.

The act gave him longer time to pay up the principal of a judgment obtained by the auditor against him, remitted the interest and damages, and allowed him credit for a delinquent list.

CHAPTER CCLXXXII.

An ACT to establish an Election Precinct in Jefferson County.

Approved January 4, 1816.

Boundary of precinct.

Elections to be held at Sam'l. Frederick's. Proviso.

County court to appoint judges and a clerk to attend therein. Their compensation.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky, That all that part of the county of Jefferson, contained within the following boundaries, viz. Beginning at colonel Richard Clough Anderson's; thence on a direct line to Leonard Yenowine's; thence to George Evinger's mill; thence on a line to the sign of the fish; thence with the Shepherdsville road to the Bullitt county line, and with the said Bullitt and Jefferson county lines until it intersects the Shelby county line; thence with the Shelby county line to the road leading through the town of Jefferson, from Louisville to Shelbyville, and with the said road to the widow Seaton's; thence to William Forwood's; thence to Henry Kalfrus'; thence to George A. K. Pomroy's; thence to the beginning; shall be, and the same is hereby established into an election precinct; and the qualified voters of said precinct, may at all elections meet and give their votes at the house now occupied by Samuel Frederick, in the town of Jefferson: Provided, however, that all the citizens of said county may vote indiscriminately, either in said precinct or at the court-house.*

SEC. 2. *Be it further enacted, That the county court of said county, shall, at the time of appointing judges and a clerk to attend the elections at the court-house, appoint judges and a clerk to attend the election in said precinct; and in case of said judges or clerk, or either, failing to act, the vacancy shall be supplied as in other cases; and they shall be entitled to the same allowance;*

to be paid in like manner, and under the same penalties, as is directed by law in similar cases. 1815.

Sec. 8. *Be it further enacted*, That the sheriff of said county shall, by himself or deputy, attend the said election, conduct the same according to the laws now in force, and shall, on the Thursday succeeding the close of the election, meet at the court-house, and on comparing the polls shall give a certificate and make the returns required by law. Sheriff to attend election and compare votes in Louisville, and give certificates.

CHAPTER CCLXXXIII.

An ACT to extend the time for returning Plats and Certificates into the Register's Office, and for surveying certain Lands in this Commonwealth.

Approved January 4, 1816.

WHEREAS it is represented to the general assembly, that the law is about to expire, allowing a further time to return plats and certificates of surveys to the register's office, and that injury will result to many of the purchasers of land under the several laws providing for the sale of vacant lands in consequence thereof: Wherefore,

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That the further time of three years after the passage of this act, be allowed the several purchasers under the laws of this commonwealth, enacted since the year 1792, for the sale of vacant lands, to survey the same, and return their plats and certificates of survey to the register's office; and it shall be the duty of the register to receive and register the same: *Provided, however*, that nothing herein contained shall authorise the returning and registering plats and certificates for lands not now authorised by law. Further time to return survey. Proviso.

CHAPTER CCLXXXIV.

An ACT for the relief of certain Clerks in this Commonwealth.

Approved January 4, 1816.

The act allowed all clerks who had failed to execute bonds within the time prescribed by law, six months after the passage of the act to do it.

1815.

CHAPTER CCLXXXV.

An ACT for the relief of Asa Killam.

Approved January 4, 1816.

He had purchased 300 acres of land, and resided on it since 1788; it was discovered that the land had never been patented or surveyed: This act gave him all the rights and privileges of a settler under the laws of Kentucky, without paying the state price.

CHAPTER CCLXXXVI.

An ACT for the relief of Joshua Cates, and the Trustees of the Harrison Seminary.

Approved January 6, 1816.

The trustees had located most of their donation lands on land previously appropriated by settlers, and had sold it to Cates: This act authorised a removal and location elsewhere.

CHAPTER CCLXXXVII.

An ACT further to regulate the payment of the Debt due the Commonwealth, for the sale of vacant Lands.

Approved January 11, 1816.

Indulgence granted, and for what quantity of land. SEC. 1. BE it enacted by the General Assembly of the Commonwealth of Kentucky, That any person claiming land under any law of this commonwealth, for the sale of vacant land, may, upon the conditions prescribed in this act, obtain and receive indulgence on any quantity of acres not exceeding four hundred.

The conditions upon which it may be obtained. SEC. 2. Be it further enacted, That any justice of the peace for any county of this commonwealth, upon application and satisfactory proof being made by the oaths of one or more creditable witnesses, to be examined before him, that the applicant was actually and in good faith a settler at the passage of this act, within the county wherein the land lies, or was originally granted, or such other county as may have been stricken off from such county, and by his own oath, that he was the owner of said land at the passage of this act, and that he has not previously obtained a similar certificate from any other justice of the peace, in order to obtain indulgence under this, or any other law upon the subject; which oath shall be stated in said certificate, and re-

turned to, and filed in the auditor's office; such justice shall, without fee, give to such applicant a certificate that he was actually and in good faith, a settler at the passage of this act, within the county wherein the land now lies, or was originally granted, or such other county as may have been stricken from it; which certificate shall also contain a description of the land for which said indulgence was granted, by shewing the number and date of the certificate, and the name or names of the person or persons to whom the same was originally granted.

1815.

Sec. 3. Where a certificate as above described, shall be furnished the auditor on or before the fifteenth day of October next, he shall file the same, and make a note thereof in the margin opposite the claim certified; and the land so described, shall not be sold by the register as in other cases.

Land not to be sold where a certificate is returned.

Sec. 4. *Be it further enacted*, That every person who may obtain a certificate under the provisions of this act, as well as those who have heretofore obtained certificates under the provisions of the acts passed the first day of February, one thousand eight hundred and thirteen, the twenty-first day of January, one thousand eight hundred and fourteen, and the second day of January, one thousand eight hundred and fifteen, further to regulate the payment of the debt due the commonwealth for the sale of vacant land, who shall pay into the public treasury, the first day of January, one thousand eight hundred and seventeen, the whole amount of the state price, or the balance, in case of a partial payment already made, shall be entitled to a discount of all the interest due or to become due thereon.

Obtaining certificates by persons paying the whole state price due within a certain period, entitled to a discount of all the interest.

Sec. 5. *Be it further enacted*, That [if] any person who may obtain indulgence under the provisions of this act, shall fail to pay into the public treasury, within twelve months from the passage of this act, any instalment which may be due on said land, the land shall not be sold to the highest bidder, as in other cases, but shall be forfeited and revert to the commonwealth.

Land to be forfeited for non-payment of the instalment within 12 months.

Sec. 6. *Be it further enacted*, That the sales of lands for the debt due the commonwealth, shall be, and the same are hereby suspended until the third Monday in November, one thousand eight hundred and sixteen. The auditor and register, shall respectively, proceed to

Sales of land suspended until 3d Monday in Nov'r. next.

1815. perform the duties required; under the provisions of the act entitled "an act providing for the payment of the debt due the commonwealth," approved the twenty-sixth day of December, one thousand eight hundred and six; and the register shall commence the sales upon the third Monday in November, one thousand eight hundred and sixteen, and in all things be governed by the provisions of the before recited act: *Provided, however,* that it shall be lawful for any person or persons having lands sold under the provisions of this act, to redeem the same at any time within twelve months from the date of the sale, by paying into the public treasury, the amount for which the same was sold, together with ten per centum thereon, and all costs of sale; and in case the land be sold to an individual or individuals, they shall, upon application, be entitled to a warrant on the treasury for the original purchase money, and the ten per centum thereon.

Auditor and register's duty at that time.

Proviso.

Sec. 7. *Be it further enacted,* That any person or persons whose lands may have been stricken off to the commonwealth for the first, second, third and fourth instalments, shall be allowed twelve months from the passage of this act, to redeem the same, by paying into the public treasury, the amount of the instalment or instalments for which it was sold, with an interest of ten per centum thereon, and costs of sale, and such other instalments as may have become due.

Upon what conditions redemption may be had.

Sec. 8. *Be it further enacted,* That any person who shall within five months from the passage of this act, pay into the public treasury the whole amount of the state price, or the balance in case of partial payment already made, shall be entitled to a discount of all the interest due, or to become due: And any person who shall pay into public treasury within ten months from this date, the whole amount of state price, or the balance in case of partial payment being already made, shall be entitled to a discount of one half the interest due or to become due thereon.

All the interest remitted upon payment within 5 months of the whole state price. And half remitted if payment is made in ten months.

No purchaser at the register's sale entitled to indulgence under this act.

Sec. 9. *Be it further enacted,* That no purchaser at the sales heretofore made, or by this act directed, shall be entitled to the indulgence herein allowed in the first section of this act, nor shall any certificate of settlement be received by the auditor in such cases, except

those persons who may have purchased their own land claims, at the register's sales. 1815.

Sec. 10. *Be it further enacted*, That no person or persons, other than actual settlers, shall be authorised to redeem lands which have been forfeited to the commonwealth, for failing to redeem the same within the time allowed by law; so as to give him, her or them any right, title or claim to the same, where it shall interfere, or conflict with the survey of any person actually settled thereon, or with an entry or survey made by virtue of a seminary warrant; and should a grant issue, it shall be void, so far as it does so interfere.

No persons but actual settlers permitted to redeem lands where it interferes with the claim of an actual settler.

Sec. 11. *Be it further enacted*, That no person who has heretofore obtained a certificate described in the second section of this act, shall be entitled to obtain one under the provisions of this act, so as to exceed four hundred acres including former certificates; and the oath required to be made in the said second section of this act, shall, in the cases of *femes covert*, be made by their husband; and in cases of infants and persons of insane mind, by their guardian, committee or friend; in which cases the person shall swear to the situation of the person for whom he is acting, and that he is acting in good faith for them.

No person entitled to a certificate who has already obtained one so as to exceed 400 acres in all.

Oath.

CHAPTER CCLXXXVIII.

An ACT to establish Ferries across Rockcastle River, on the Turnpike and Wilderness Road.

Approved January 11, 1816.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be the duty of James Walker, manager of the turnpike and wilderness road, to cause two good and sufficient ferry-boats, at least forty-five feet long, to be built and stationed, one at each of the crossings of Rockcastle river, where the turnpike road crosses the same, and to appoint some fit person to attend each boat with hands sufficient to convey all passengers who wish to cross said river, who shall be authorised to receive the following tolls, to wit: For every waggon and team, fifty cents; for every two wheeled carriage, twenty-five cents; for every man

Manager to build boats.

May receive tolls from passengers, &c.

1815.

How to be ap-
propriated.

and horse, twelve and one-half cents ; for every single horse, mare or mule, six and a quarter cents ; for every head of cattle, sheep or goats, one cent ; and for every foot person, other than those that belongs to the carriages, six and a quarter cents. Which sums, after paying the expences of the boats and hands attending thereon, shall go to the benefit of the turnpike institution, and be accounted for by said manager.

Duty of the
keeper of the
ferries.

Sec. 2. *Be it further enacted*, That the keeper of each ferry-boat, shall keep a book, in which he shall enter each day's toll that is received, and make oath before some justice of the peace, to the correctness of the same, when called on by said manager for that purpose ; and the manager aforesaid, shall be authorised in the first instance, to pay for said boats out of the money now in his hands which was directed by law to the repairing of the Rockcastle bridge, by reimbursing the same when collected.

Manager not
to provide
boats until
the owners of
the land re-
fuse to do so.

Sec. 3. *Be it further enacted*, That the manager of the turnpike and wilderness road, shall not proceed to execute the above provisions of this act, unless the owners of the land where the said road crosses Rockcastle river, both at the upper and lower crossings, shall refuse or neglect to establish at the said crossings, ferry-boats of sufficient size, at least forty-five feet long, to pass over waggons securely ; and by themselves, or their agents, keep the said ferries in good order, and attend to the passing over all travellers who may travel that road, allowing to the owners of the land where the ferries are to be established until the first day of March next, to build said boats, should they not have been previously provided.

Proprietors
of the land
may receive
the toll upon
establishing
the ferries.

Sec. 4. *And be it further enacted*, That the proprietors of the land at said ferries, should they establish the same, shall receive and collect the rate of toll, provided by the first section of this act, and no more.

To keep the
banks at said
ferries in pro-
per order.

Sec. 5. *Be it further enacted*, That it shall be the duty of the proprietors or occupiers of the land, if they should keep boats under the provisions of this act, to keep the banks of the river, in proper order for the passage of all carriages crossing said ferry ; and in case of failure, to be subject to a fine of five dollars for every twenty-four hours the said banks and road leading into

the state road, is out of proper order; recoverable by any person suing for the same, before a justice of the peace for the county where the offence may happen.

1815.

Penalty for failure; how recovered & applied.

Sec. 6. *Be it further enacted*, That if it should be necessary for the manager of the wilderness road, to furnish boats under the provisions of this act, that he shall be authorised to open the road, and repair the banks at the most safe and convenient places for crossing said river, so as to intersect the state road, without interfering with the buildings of the said proprietors or occupiers; in which event, the proprietor or proprietors, occupier or occupiers, may apply to the county court of the county in which he may reside, for a writ of *ad quod damnum* directed to the sheriff, to summons twelve discreet freeholders of the county, no way related to the party applying, to go on the ground where the road is proposed to pass, on a day to be named by the court, and to be governed by the same rules and regulations as is now directed in case of writs of *ad quod damnum* on public roads; which damages and costs so assessed shall be paid by the manager out of any money arising from the turnpike.

Powers given the manager of turnpike road, and his duty upon the proprietor's failing to establish ferries. Proprietors may have a writ of *ad quod damnum*.

CHAPTER CCLXXXIX.

An ACT for the relief of the Representatives of David Johnson, deceased.

Approved January 11, 1816.

The act authorised the sale of a tract of land devised to them, and a distribution of the price among them.

CHAPTER CCXC.

An ACT legalizing the proceedings of the County Court of Hopkins at their February and April Terms.

Approved January 17, 1816.

The proceeding legalized, was holding court by mistake on days different from those appointed by law.

DECEMBER SESSION,

1815.

CHAPTER CCXCI.

An ACT for the relief of Samuel Searcy, and the heirs of Charles Searcy, deceased.

Passed January 24, 1816, pursuant to the provisions of the constitution, the governor's objections notwithstanding.

The act appointed a commissioner to execute a deed of conveyance from the heirs for a small tract of land.

CHAPTER CCXCII.

An ACT for the benefit of the Wife and Family of Major Benjamin Graves.

Approved January 29, 1816.

He had made a will, went into the army and was wounded in the battle at Raisin; but as it was not known whether he was alive or dead, the will could not be proved, and his executors could not act: This act authorised the sale of a tract of land, devised to be sold, and the money to be applied as the will had directed.

CHAPTER CCXCIII.

An ACT to extend the July Term of the Franklin Circuit Court, for the trial of Chancery Causes.

Approved January 29, 1816.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That the court for the circuit of Franklin, shall, at their July terms hereafter to be holden, sit eighteen juridical days, if the business thereof shall require it.

SEC. 2. *Be it further enacted,* That the last week of such terms shall be appropriated exclusively to the preparation and trial of chancery causes; but nothing herein contained shall be so construed as to preclude the courts from trying chancery causes at any other term, as heretofore.

CHAPTER CCXCIV.

1815.

An ACT establishing an Election Precinct in the County of Green.

Approved January 29, 1816.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That all that part of Green county, within the following bounds, viz. Beginning at the mouth of Robertson's creek, running a line from thence to B. Chism's, so as to include Robert Mays and Jesse Mills; thence a straight line to Young's mill, and up the creek to the county line; thence with the county line to the beginning, so as to include all the upper part of the county north of Green river, shall be an election precinct; and the election to be held therein, in the town of Campbellsville, at the house of Andrew Campbell.

SEC. 2. *Be it further enacted,* That a clerk and deputy sheriff, and judges, to attend elections in said precinct, shall be appointed under the same rules and regulations, and receive the same compensation as the law directs in similar laws.

SEC. 3. *Be it further enacted.* That the sheriff attending the elections in said precinct, shall meet the sheriff attending the elections at the court-house at Greensburg, on the Friday next after each election, and there compare the polls of the several candidates, and give certificates conformably thereto.

CHAPTER CCXCV.

An ACT to prevent imposition by way of Lottery, in this Commonwealth.

Approved January 29, 1816.

WHEREAS the practice of making lotteries by private individuals, without having any objects of public utility in view, has produced considerable injury to the good citizens of this commonwealth, and unless restrained, is likely to produce evils still more extensive: Preamble.

SEC. 1. *Be it therefore enacted by the General Assembly of the Commonwealth of Kentucky,* That any person or persons, who, without legal authority, shall offer or ex- Fine on any person for making lotteries, expos-

1815. *ing to sale a lottery ticket or acting as clerk or manager, without being legally authorised.* pose to sale, any ticket or tickets to be drawn, or in any other manner determined upon, for the purpose of raising money for himself, herself or themselves, or for disposing of any property, real or personal, shall be fined two thousand dollars; and the clerk or clerks, manager or managers, of any lottery or lotteries in this commonwealth, shall be fined five hundred dollars each; and any person or persons offering for sale any ticket or tickets to be drawn for, or otherwise determined upon, shall be fined one hundred dollars.

Duty of justices of the peace in relation to lotteries. Sec. 2. And it shall be the duty of all and every magistrate or magistrates in this commonwealth, when knowing or being informed of any wheel, machine, instrument or instruments, for the purpose of determining the tickets of any lottery or lotteries, or other gaming device, to summon as many men as he shall deem necessary, and go with them and destroy such wheel, machine, instrument or instruments; and report the company, clerk or clerks, and manager or managers thereof, to the next grand jury which may be summoned for the county.

Fines, how recovered & applied. Sec. 3. *And be it enacted,* That when a presentment shall be made from the knowledge of the grand jury only, the fine aforesaid shall be appropriated to lessening the county levy.

Sec. 4. *And be it enacted,* That all the fines aforesaid shall be recovered by presentment of a grand jury, before any court having jurisdiction thereof, to be ascertained by the verdict of a petit jury, who shall be empaneled to try said presentment; one half of which fine shall go to the informer, and the other half to the lessening the county levy.

Contracts made & notes & assurances for the sale of lottery tickets, void. Sec. 5. *Be it further enacted,* That all contracts hereafter made, or bonds, notes or assurances given for any lottery ticket or tickets, which lottery is not specially authorised by law, shall be null and void, and no recovery shall be had thereon in any court of record, or before any justice of the peace in this commonwealth; *Provided, however,* that nothing in this act contained shall be construed to render valid any contract heretofore made, which is illegal by the laws now in force.

Circuit judges to give this act in charge to grand juries. Sec. 6. *Be it further enacted,* That it shall be the duty of the circuit judges in their respective circuits, to give this act in charge to the grand jury.

This act shall commence and be in force from and after the first day of April next.

1815.

CHAPTER CCXCVI.

An ACT increasing the powers of the Trustees of the Town of Cynthiana.

Approved January 29, 1816.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That the trustees of the town of Cynthiana, in the county of Harrison, shall have full power and authority to make any orders, rules and regulations for keeping their streets clean, and to compel the citizens of said town to clean the same, under proper fines and penalties, recoverable before a justice of the peace. And the said trustees shall have full power and authority to order and determine that the main street of said town, from the south end thereof, as far north as the third cross street, shall be paved; and to direct that each and every person owning lots or real estate, fronting on said main street, within the before mentioned limits, to pave or cause to be paved with good brick or stone, as may be by the said trustees directed, as far as the middle of said street, in front of his, her or their respective lots or real estate. And if such person so directed to pave, after notice of said order, and a reasonable time given, shall fail or refuse to comply with said order, the said trustees shall have full power and authority to employ some suitable person, on as reasonable terms as can be had, and assess the value or price thereof on the owner of said lot; which price said owner shall be bound to pay; and if he or she shall fail to pay the amount within two months after the assessment, it shall be recoverable from him or her by action of debt, assumpsit, or by warrant before any justice of the peace, as may best suit the amount of the sum and the nature of the demand, and as is usual in other demands of like magnitude.

Additional powers vested in said trustees.

To compel the cleaning of the streets.

To have the main streets paved.

Power of trustees on failure or refusal to pave when ordered.

SEC. 2. *Be it further enacted,* That the said trustees shall have full power and authority to make any order for the removal or abatement of nuisances within the limits of said town; and each and every person offend-

May compel the abatement of nuisances.

1815.

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ing by nuisance, who shall fail or refuse to abate or remove the same, having due notice of the order of the trustees to that effect, shall, for every twenty-four hours he suffers the same to remain, after he shall have received said notice, forfeit and pay any sum not exceeding two dollars, recoverable by warrant before any justice of the peace of said county. All of which fines and forfeitures thus recovered, shall be appropriated toward the improvement of the streets and alleys of said town, as the trustees thereof may direct.

May levy and collect an additional tax.

Sec. 3. *Be it further enacted*, That the said trustees shall have full power and authority to levy and collect from the citizens of said town, any sum, at their discretion, not exceeding two hundred dollars annually, to be used and appropriated by them for the benefit of said town, in such manner as they may from time to time direct.

Regulations relative to paving the streets.

Proviso.

Sec. 4. *Be it further enacted*, That whenever a majority of two-thirds of the citizens owning lots or real estate fronting on the residue of main street, or on any other street of said town, shall petition the trustees thereof to have the same paved, they shall have power to cause the pavement to be made in manner directed by the first section of this act: *Provided, however*, they shall cause no pavement to be made, unless it shall extend from one street to another.

CHAPTER CCXCVII.

An ACT concerning the Towns of Bowling-Green and Louisville.

Approved January 29, 1816.

Trustees of Bowling-Green authorized to sell & convey part of the main east street of said town.

Sec. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be lawful for the trustees of the town of Bowling-Green, to sell so much of main east street, leading northwestwardly from the public square, as has been encroached on by the buildings erected on lot No. 29, by Alexander Graham, to the said Graham, at a fair price, after the rate of what the same number of feet would be worth, extending quite through said lot; and upon his making such par-

chase and payment for the same, they are hereby authorised to convey the same in fee simple.

1815.

Sec. 2. *Be it further enacted*, That the said trustees shall, in like manner, be authorised to sell and convey to the several owners of the lots binding on the same side of the said street, so many feet as their respective lots or parts of lots may bind thereon, rating it according to the value of the respective lots of ground to which the same may be attached, in the manner aforesaid, so as to permit the buildings on that side of said street to range with the buildings of said Graham, on the said lot No. 29: *Provided*, that nothing herein contained shall authorise the trustees to narrow said street to a less extent than fifty feet.

Sec. 3. *Be it further enacted*, That the money arising from the sale of said ground, may be applied by the trustees of said town to repairing the public square, erecting thereon a market-house, or to procuring public wells on the same, as they, or a majority of them, may deem expedient.

Money, how
to be appro-
priated.

Sec. 4. *Be it further enacted*, That the trustees of the town of Louisville, be, and are hereby authorised to impose on the citizens of said town a tax not exceeding three hundred dollars in addition to the tax now authorised by law; which money shall be appropriated for keeping in good order and repair, that part of the road leading from Louisville to Shippingport, which lies between the west end of the main street of Louisville and the ravine, near Stephenson's cooper shop: *Provided*, however, that said tax shall be exclusively levied on and collected from those who by law are bound to work on said road, according to the same rules and regulations which are prescribed by the laws requiring personal service for working on roads.

Trustees of
Louisville au-
thorised to le-
vy an addi-
tional tax on
the citizens of
the town.
Money, how
to be applied.

Sec. 5. *Be it further enacted*, That from and after the expiration of the term for which the present trustees of the said town were elected, there shall be an annual election of the trustees of the town, under the regulations now imposed by law for the management of said election.

Proviso.

Regulations
as to the fu-
ture elections
of trustees of
said town.

1815.

CHAPTER CCXCVIII.

An ACT to vest certain powers in the Trustees of Washington, in Mason County.

Approved January 29, 1816.

Trustees may compel the pavement of the streets.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That the trustees of the town of Washington, in the county of Mason, shall have power to compel the owners of lots on Main street in said town, to pave the footways, not exceeding ten feet in width, in front of their lots, with brick or stone, and to enforce any ordinance they may make on that subject by a fine upon the owner or owners of any lot who shall fail or refuse to obey the same.

To organise a fire company, and make by-laws for their government, &c.

SEC. 2. *Be it further enacted,* That the said board of trustees shall have power and authority to cause such of the free male inhabitants of said town as they may think proper, to be enrolled as a fire company, for the proper management of their fire engine, and the extinguishment of fire; and to make such by-laws and regulations for the government of the said company, and to cause the inhabitants of the said town to furnish fire buckets, as the said board of trustees may deem necessary and useful; and may make any further regulation they may deem useful and proper, to cause the attendance and assistance of slaves, free negroes and mulattoes, within the bounds of the said town, to be given in time of fire.

CHAPTER CCXCIX.

An ACT to amend the laws establishing the Bourbon and Lebanon Academies.

Approved January 29, 1816.

The act referred to in the first section, will be found in Volume II, page 237; the act referred to in the fourth section, will be found in Volume II, page 240; and the act referred to in the fifth section, will be found in Volume IV, page 193.

The first and second fundamental articles of the act establishing the Bourbon academy, repealed.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That the first and second fundamental articles of the thirteenth section of the act entitled "an act for establishing the Bourbon academy," approved the 22d day of December 1798, be, and the same are hereby repealed.

XXIV. YEAR OF THE COMMONWEALTH.

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Sec. 2. *Be it further enacted*, That in lieu of said fundamental articles hereby repealed, it shall be the duty of the trustees of said academy to preserve inviolate the following, to wit: 1st. As the extension of useful knowledge is the only object contemplated by that institution, and inasmuch as the general principles of morality in relation to our duty towards the Supreme Being, as well as our duty towards our fellow men, unconnected with party, ought to be the only impressions united with science, that in a public seminary should be implanted in the youthful mind, no preference shall be given in the choice of trustees, president, professors, tutors or masters, on account of religious sentiments. 2d. No law, regulation or ordinance shall be enforced by the trustees, nor attempts be made by the president, professors, tutors or masters, which are or shall be calculated to give a bias to the minds of the pupils in favor of the peculiar tenets or sectarian principles of any particular religious church or society.

1815.
Fundamental
articles in
lieu of those
repealed.

Sec. 3. *Be it further enacted*, That so much of said recited act, as requires ten days' notice by advertisement or otherwise, of called meetings of said board of trustees, on the application of a particular number of members, be, and the same is hereby repealed. And the board of trustees of said academy may assemble at any time and place that may be convenient to themselves, and hold any called meeting, and transact any business within the purview of their authority: *Provided, however*, that nothing herein contained shall be construed to alter or affect the stated semi-annual meetings required by said recited act.

Board of trustees may meet without notice.

Sec. 4. *Be it further enacted*, That in lieu of the sum of one thousand dollars, which the trustees of said academy are authorised to raise by lottery, as directed and allowed in the second section of the act entitled "an act to establish and endow certain academies," approved the 22d day of December, in the year 1798, the said trustees of the Bourbon academy are hereby authorised to raise by way of lottery, any sum not exceeding five thousand dollars, to be appropriated to the use of said institution.

Trustees authorised to raise \$ 5,000 by lottery.

Sec. 5. *Be it further enacted*, That Lewis Leavel, Elijah Garth, John Davis, Abraham M'Kinney and James Berry, be, and they are hereby constituted trustees of said academy.

Additional trustees to the Lebanon academy appointed.

1815.

The legal No.
of trustees.

tees of the Lebanon academy, in the county of Christian, in addition to the former trustees; and the trustees hereby constituted, shall, together with the former trustees, constitute the board of trustees of said academy, and shall be possessed of and vested with all the powers and authority vested in the said board of trustees of said academy, by the act entitled "an act establishing the Lebanon academy, in the county of Christian," approved the 17th day of December, in the year 1810; and if the said trustees, constituted either by this act or the said recited act, shall decline serving, or through death, absence, or other cause, cannot be had to serve, the remainder may constitute said board; and if at any time said board shall not consist of seven trustees, the majority of the remaining number shall fill said board, to the number seven; and if the number who may now act shall exceed seven, they may all continue to act until their number, by resignation or other casualty, shall be reduced to the number seven, which thereafter shall be the legal number of said trustees.

CHAPTER CCC.

An ACT for the benefit of the Russellville and Columbia Lodges.

Approved January 29, 1816.

The act authorised lotteries for the benefit of the respective lodges.

CHAPTER CCCI.

An ACT repealing an act for the relief of the Citizens of Caldwell County, approved the 27th January 1815.

Approved January 29, 1816.

The act repealed, permitted the removal of the seat of justice by a general vote.—See a note of it at page 187, of this Volume.

CHAPTER CCCII.

An ACT for the benefit of the heirs of James Dunn, dec'd.

Approved January 29, 1816.

The act appointed commissioners to sell lots in Lexington to pay his debts.

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CHAPTER CCCIII.

1815.

An ACT to amend the law authorising the appropriation of the Land acquired by the Treaty of Tellico.

Approved January 29, 1816.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That the claimants of lands within the bounds of the Tellico purchase, who have obtained their claims under and by virtue of the various laws of this commonwealth, for appropriating the vacant lands within the bounds of the Tellico purchase aforesaid, who shall, on or before the first day of January 1817, pay into the public treasury the whole amount of the state price, or the balance, in case of a partial payment already made, shall be entitled to a discount of all the interest and damages due, or that may become due thereon.

CHAPTER CCCIV.

An ACT for the relief of the representatives of William Ward, deceased.

Approved January 29, 1816.

The act appointed commissioners to sell a tract of land descended to them, for the payment of the decedent's debts.

CHAPTER CCCV.

An ACT appointing Trustees to the Grayson Seminary, and for other purposes.

Approved January 29, 1816.

SEC. 1. BE it enacted by the General Assembly of the Commonwealth of Kentucky, That Jack Thomas, Robert E. Yates, William Cunningham, John Yates, John Cunningham, Isaac Thomas and William Love, gentlemen, be, and they are hereby constituted a body politic and corporate, to be known by the name and style of "The Trustees of the Grayson Seminary," and by that name shall have perpetual succession, and a common seal, with power to change or alter the same at their pleasure; and as a body corporate, shall be au-

Trustees to the Grayson seminary appointed.

1815.



authorised to exercise all the powers and privileges that are now enjoyed by the trustees of any seminary or academy of learning in this state; and on the death, resignation, or other disqualification of any of the trustees aforesaid, or their successors, a majority of the remaining trustees shall fill such vacancy; and the person so appointed, shall be vested with the same power and authority as if specially named by this act; and by the name and style of the Trustees of the Grayson Seminary, may sue and implead, be sued and impleaded in any court in law or equity, or before any tribunal having cognizance of the same.

Their powers.

Sec. 2. The said trustees and their successors, shall have power in their corporate capacity, to purchase, or receive by donation, any lands, hereditaments, money, rents, goods and chattels, and to hold the same, by the name aforesaid, to them and their successors forever, for the use of said seminary; and to sell, alien or transfer, any such lands, goods and chattels, and apply the proceeds thereof, to the use and benefit thereof.

May locate 5000 acres of land.

Sec. 3. The said trustees shall be entitled to locate, survey and patent the quantity of six thousand acres of land, if the same has not been located, surveyed and patented, on any vacant and unappropriated land in this commonwealth, on the terms and conditions prescribed in the act entitled "an act to establish and endow certain academies," and the several acts amendatory thereto; and for that purpose may contract with any person or persons to locate, survey and have the same patented; for which services they are authorised to give and convey, to such person or persons, a part of said land, not exceeding one third, and may also sell and dispose of all, or any part of the land which has been, or may hereafter be granted unto said seminary, for the purpose of erecting buildings, and providing books and other apparatus, for the use and benefit of said seminary; also, may lease the said land or any part thereof, for any term of years not exceeding ten, and apply the proceeds thereof, for the use aforesaid.

May appoint a clerk.

Sec. 4. The person first named herein, or in his absence or refusal to act, the next, shall notify the time and place for the first meeting of the trustees; and on the attendance of a majority thereof, they shall appoint a chairman and clerk, who shall severally take an oath,

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well and truly to execute the duties of their office ; and thereafter the board may be called by the chairman, or any two of the trustees. The said trustees shall have power to adjourn from day to day, to make and ordain such by-laws, rules and ordinances, as they may deem proper ; not inconsistent with the laws of this state : And moreover, to fix on a proper place for erecting the buildings of said seminary : *Provided*, that a majority of all the trustees is necessary to attend on the making of any contract, by-laws, or fixing on the permanent seat of the same. 1815.
Further powers of trustees
Proviso.

Sec. 5. A majority of said trustees, shall have power to engage a competent number of masters and professors to said seminary, to fix their salaries and the salary of their clerk, as also the terms of tuition ; and on the misconduct of any master, professor or student, may dismiss such master, professor or student from the said seminary. May engage masters, &c.

CHAPTER CCCVI.

An ACT for adding a part of the County of Montgomery, to the County of Estill.

Approved January 29, 1816.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That from and after the first Monday in May next, all that part of the county of Montgomery, included within the following bounds, to wit : Beginning at the mouth of War creek, thence up the north fork of the Kentucky, to the mouth of Quick-sand creek ; thence to the junction of the Clay, Floyd and Montgomery county lines ; thence with the present Montgomery and Floyd line, to where it crosses the ridge that divides the waters of Kentucky and Red river ; thence down the said ridge, between the waters of said rivers, to the Estill and Montgomery line ; thence with said line, up the Kentucky river, to the beginning, shall be annexed to the county of Estill. Boundary.

Sec. 2. *Be it further enacted*, That it shall be lawful for the sheriffs of Montgomery county to collect all officers' fees, revenue taxes, county taxes, fines, forfeitures and executions, which may remain in their hands uncollected, at the time said annexation takes effect, in Duty of sheriffs of Montgomery.

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that part taken from the county of Montgomery, in the same manner as if the said annexation had not taken place.

Jurisdiction
of Montgomery
by courts.

Sec. 3. *Be it enacted*, That the courts of Montgomery, shall continue to have jurisdiction in matters of law or equity that may be pending before them, on the first Monday in May next.

CHAPTER CCCVII.

An ACT for the benefit of William Quanton.

Approved January 29, 1816.

This head-right claim had been stricken off to the state for the second instalment: This act restored the land, and released him from the payment of the state price.

CHAPTER CCCVIII.

An ACT for the benefit of William M'William Harwood.

Approved January 29, 1816.

He was indicted for larceny, in the Breckenridge circuit court: This act authorised a change of venue to Hardin.

CHAPTER CCCIX.

An ACT authorising certain advertisements to be inserted in the Newspaper entitled "The Kentucky Advertiser," printed at Winchester.

Approved January 29, 1816.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That orders of court, advertisements and notices, may be published in the newspaper entitled "The Kentucky Advertiser," printed in the town of Winchester; and that the editors shall, and may receive the fees established by law, for such services as they may perform under this act; and that such publication shall be as valid between the parties as if the same had been published in any other authorised

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paper of this commonwealth: *Provided*, that nothing in this act shall authorise the insertion of any order or advertisement, required to be printed in the paper of the public printer of this commonwealth.

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CHAPTER CCCX.

An ACT for the benefit of William Buckner.

Approved January 29, 1816.

His head-right claim had been surveyed more than three times as long as broad: This act authorised the issuing of a patent in the same manner as if the survey had been legal.

CHAPTER CCCXI.

An ACT for the removal of the Seat of Justice of Nicholas County.

Approved January 29, 1816.

The act appointed commissioners to fix on a place for the seat of justice, to receive donations for the public buildings, &c.

CHAPTER CCCXII.

An ACT for the relief of sundry Sheriffs.

Approved January 29, 1816.

The relief given related to revenue matters, and was merely personal.

CHAPTER CCCXIII.

An ACT for the benefit of the heirs of Richard Armstrong, deceased, and others.

Approved January 29, 1816.

The act released to divers persons respectively, the commonwealth's right to several tracts of land, for which, from the negligence of those from whom they had purchased, grants had not been obtained.

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CHAPTER CCCXIV.

An ACT to authorise the running and marking the Division Line between the Counties of Shelby and Henry.

Approved January 29, 1816.

Preamble.

WHEREAS it appears to the present general assembly, that the line dividing the counties of Shelby and Henry, directed by an act approved December 14th, 1798, erecting a new county out of the county of Shelby, hath not been run agreeable to the directions of the before recited act: For remedy whereof,

Comm'rs. & their duty.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Thomas Mitchell, David Standiford and Andrew Holmes, of the county of Shelby, and James Bartlett, John Calloway and William Neil, of the county of Henry, or a majority of them from each county, be, and they are hereby appointed commissioners to run, and distinctly mark the line between the said counties, beginning at the point where the former line commenced, if that point can be ascertained to the satisfaction of the commissioners; if not, to commence at some point on the line that was formerly run, that can be ascertained to be the old line, and then run and distinctly mark the same east and west, agreeable to the act as before recited.

Allowance to comm'rs. and to appoint a marker.

Sec. 2. *Be it further enacted*, That the commissioners appointed by this act, shall be allowed two dollars per day, for each day they may be employed in running said line; the commissioners of each county, to be paid by the respective counties. The commissioners aforesaid, shall employ a marker, who shall be allowed two dollars per day, half of which shall be paid by each county on the certificate of the commissioners, that the duty was actually performed.

Oath, & further duties of comm'rs and marker.

Sec. 3. *Be it further enacted*, That the said commissioners and marker being present, shall each take an oath before some justice of the peace, faithfully to discharge the trust reposed in them with fidelity, and without partiality, run and mark the said line, and return to the county court of Shelby and Henry, a report of their proceedings, with a description of the marks on said line, as well as any natural marks that can be ascertained on said line. The county courts of each coun-

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ty, shall enter on their records, the report as aforesaid, which shall be established as the true boundary line between the counties of Shelby and Henry.

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CHAPTER CCCXV.

An ACT for the relief of Thomas Griffin.

Approved January 29, 1816.

It seems that he was assignee of a certificate for 400 acres of land issued to Ery Pulliam, in mistake for Levy Pulliam: This act corrected the mistake.

CHAPTER CCCXVI.

An ACT for the benefit of the Sheriff of Hopkins County.

Approved January 31, 1816.

The act gave him longer time to pay up the revenue.

CHAPTER CCCXVII.

An ACT exempting from taxation, houses devoted to Public Worship and Seminaries of Learning, and the ground on which they are erected.

Approved January 31, 1816.

SEC. 1. BE it enacted by the General Assembly of the Commonwealth of Kentucky, That the several houses which now are, or shall hereafter be erected in this state, for the purpose of public worship, shall be, while they continue to be exclusively devoted to that object, exempt from taxation for state or corporation purposes.

Sec. 2. Be it further enacted, That the land permitted by the laws of this state to be held by any denomination of christians in a fiducial or individual capacity, for devotional purposes, shall be, and remain alike exempt from taxation.

Sec. 3. Be it further enacted, That the land upon which any seminary of learning may have been, or shall hereafter be erected, to the extent of five acres,

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held fiducially or individually for purposes of learning; together with the buildings thereon, devoted to that object, shall be alike exempt from taxation.

Sec. 4. *Be it further enacted*, That all libraries, &c. held fiducially or individually for seminary or church objects, shall be alike exempt from taxation.

CHAPTER CCCXVIII.

An ACT authorising Lotteries for certain purposes therein mentioned.

Approved January 31, 1816.

The act authorised lotteries for paving the streets of Danville, Richmond, Greensburg, Bardstown and Cynthiana, and for finishing the seminary in Shelbyville.

CHAPTER CCCXIX.

An ACT vesting certain powers in the Trustees of the Methodist Brick Chapel, in Shelby County.

Approved January 31, 1816.

The act authorised the trustees to receive a conveyance for three acres of land, and to sell it for the benefit of the society, and convey it.

CHAPTER CCCXX.

An ACT to authorise Jeremiah Buckley to build a Bridge across Kentucky River.

Approved January 31, 1816.

Conditions.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That Jeremiah Buckley or his assigns, his or their heirs, or legal representatives, be, and he or they are hereby authorised, to erect a floating bridge across the Kentucky river, at said Buckley's ferry, opposite his ware-house, upon the terms and conditions hereafter mentioned, to wit: First, that the same shall be completed within two years from and after the first day of September next: Secondly, that it shall not in any manner, injure the navigation of said river: Third, that the said Buckley, or his as-

signs, shall, before he commences the erection of said bridge, enter into bond with good and sufficient security, in the secretary's office, in the penalty of twenty thousand dollars, payable to the governor of this state and his successors; conditioned for the payment of all damages which may be sustained by persons navigating said river, by the erection of said bridge. On which bond, all and every person or persons navigating the same, who may be injured by the erection of said bridge, may bring suit and recover all damages they may have sustained thereby.

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To enter into bond.

Sec. 2. *Be it further enacted*, That the governor or his successors, may from time to time, require new and additional security from the owners of said bridge, whenever it shall appear necessary.

Governor may require additional security.

Sec. 3. *Be it further enacted*, That the said Jeremiah Buckley, or his assigns, his or their heirs, or legal representatives, shall be entitled to demand and receive the following tolls for passing said bridge, to wit: For every man or woman, four cents five mills; for every child above five years old, four cents five mills; for every horse, mare, colt, jack or mule, five cents; for every waggon and team, fifty cents; for every cart, thirty-seven cents five mills; for every riding carriage with four wheels, fifty cents; for every riding carriage, with two wheels, thirty-seven cents five mills; for every head of neat cattle, two cents; for every head of sheep, goats or hogs, one cent; for every hogshead of tobacco, rolled or carried across, not being in a cart or waggon, twenty-five cents.

Rate of tolls.

Sec. 4. *Be it further enacted*, That the said Buckley, and all and every person, who may hereafter become the owners or keepers of the said bridge, shall be subject to such regulations and restrictions as the legislature may from time to time, deem necessary; and the legislature hereby expressly reserves the right and power of altering or repealing all or any part of the rights and privileges hereby granted, whenever it shall appear to them to be just and expedient so to do.

Sec. 5. *Be it further enacted*, That when the said bridge shall be erected as aforesaid, immediate passage shall be given to all public messengers and expresses whenever required, as long as the existence of the said bridge, without any toll.

Public messengers to pass toll free.

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CHAPTER CCCXXI.

An ACT for the benefit of the Heirs of Robert Johnson, deceased.

Approved January 31, 1816.

The act authorised conveyances of land from the infants by their guardians, and from the femes covert, by attornies in fact.

CHAPTER CCCXXII.

An ACT establishing Election Precincts in the Counties of Franklin and Jefferson, and for other purposes.

Approved January 31, 1816.

An election precinct established in Franklin county.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky, That all that part of the county of Franklin, which lies within the following boundaries, viz. Beginning at the mouth of Elkhorn; thence up Elkhorn to Gore's station, excluding the same; thence due east to the Scott county line; thence with the Scott and Gallatin county lines to the Kentucky river; thence up the river to the beginning; shall be, and the same is hereby established an election precinct; and the qualified voters of said precinct may vote at the house of Charles Williams, at all elections wherein they are required by law to vote.*

An election precinct in Jefferson county.

Sec. 2. *Be it further enacted, That all that part of the county of Jefferson, which lies within the following boundaries, viz. Beginning at the mouth of Harrod's creek; thence on a straight line to colonel Richard Clough Anderson's; thence along the line of the southern precinct of said county until it strikes the Shelby county line; thence with the Shelby and Jefferson county lines until it intersects the Henry county line; thence with the Jefferson and Henry county lines to the Ohio river; thence down the Ohio to the beginning; shall be, and the same is hereby established an election precinct; and the qualified voters of said precinct may vote at the house now occupied by Thomas Lawes, in Middletown, at all elections at which they are authorised by law to vote: Provided, however, that the voters of said county may vote either in the precinct or at the court-house.*

Sec. 3. *Be it further enacted*, That the county courts of Franklin and Jefferson, at the time of appointing a clerk and judges to preside at the election at the court-house, shall appoint a clerk and judges to conduct the elections in the precinct; and if either of the judges or clerk shall fail to act, the vacancy shall be supplied in the manner prescribed by law in similar cases. 1815.
Judges and clerk to be appointed.

Sec. 4. *Be it further enacted*, That the sheriffs of said county shall, by themselves or deputy, attend the election in the precinct in his county hereby established, respectively, and conduct the same according to the rules and regulations now prescribed by law for conducting elections; and shall, on the Thursday succeeding the close of the election, meet the sheriff who conducted the election at the court-house, at said place, and compare the polls and give the certificates required by law. Sheriffs to attend in precincts.

Sec. 5. *Be it further enacted*, That the officers conducting the elections in said precincts, shall be entitled to the same compensation which is now allowed by law for similar services; and the voters in the precincts shall be subject to the penalties now imposed for any violation of the laws regulating elections. Pay of officers attending elections.

Sec. 6. *Be it further enacted*, That the election for the Eagle creek precinct, in the county of Pendleton, shall hereafter be held at the house of James Theobalds, in said precinct. Place of holding election in precinct in Pendleton county changed.

CHAPTER CCCXXIII.

An ACT to amend an act entitled "an act to incorporate the Frankfort Bridge Company."

Approved January 31, 1816.

Sec. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That the company incorporated under the style and denomination of "The Frankfort Bridge Company," for the purpose of erecting a bridge across the Kentucky river, at Frankfort, be, and are hereby granted and allowed the further term of five years from and after the passage of this act, to complete and finish said bridge, subject to the following limitations and conditions: The company allowed five years longer to finish the bridge.

1815. *Sec. 2. Be it further enacted, That in addition to the stock said company is already authorised to raise by subscription, they are hereby permitted and empowered to raise, in the same manner, and upon the same conditions as are prescribed in the act of incorporation, the further sum of twenty thousand dollars, or such smaller sum as may be required to complete the aforesaid bridge: Provided, however, that if at any time the stock of said company shall have depreciated, so that the real value of said stock shall not be equal to its nominal value, it shall and may be lawful for the president and directors of said company, with the assent of three-fourths of the shareholders, to sell or dispose of all or any part of the stock which shall remain unsold, or unsubscribed for, at the market price, or depreciated value of the stock which may have been already subscribed for and taken; and those purchasing or subscribing for stock, on the terms prescribed as aforesaid by the president and directors of the said company, shall be entitled to the same privileges, immunities and profits, and hold said stock on the same terms with the subscribers for stock under the original act of incorporation.*

The stock of the company increased.

Proviso,

Sec. 3. Be it further enacted, That should more stock be taken than shall be required to defray the charges of erecting said bridge, and to pay attendant expences, the surplus shall be refunded to the shareholders, in such manner, and under such regulations as the president and directors of said company may order.

Upon subscription of more stock than is necessary, the surplus to be returned to the stockholders.

Sec. 4. Be it further enacted, That said company may erect, and are hereby authorised and empowered to erect an additional pier in said river, if it shall be found necessary to the completion of said bridge: Provided, however, that said two piers permitted to be erected, shall not be within ninety-five feet of each other, or of either of the abutments.

Company may erect an additional pier in the river.

Proviso.

*Sec. 5. Be it further enacted, That the said company are further authorised and empowered to sue out from the county court of Franklin county, a writ or writs of *ad quod damnum*, for the purpose of condemning so much of lots Nos. 247 and 232, in South Frankfort, as will be sufficient to make a road of 60 feet wide from the said abutment to ——— street in said town. Upon the execution of such writ or writs, the jurors shall view the ground requested to be condemned by the president*

May sue out a writ of *ad quod damnum*, to condemn certain lots.

Proceedings on said writ.

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of said company; and if in their opinion it shall be necessary and proper to condemn said ground, they shall say so by their inquest, and lay off and designate said ground, and shall assess the value thereof; which inquest shall be returned to the county court of Franklin, and recorded; upon which, if the said company pay into the said court the value of the land so assessed by the jury, it shall vest the said land in the said company in fee simple. And upon the money being so paid into court, they shall cause said money to be paid to the person or persons so owning the said property so condemned, upon his or their giving bond with approved security, in a penalty of at least double the amount, conditioned to repay said money with legal interest thereon, to any person or persons who might thereafter prove to have a better title.

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Sec. 6. *Be it further enacted*, That all acts and parts of acts contravening the provisions of this act, are hereby repealed.

Repealing
clause.

CHAPTER CCCXXIV.

An ACT for the benefit of Mary Rountree.

Approved January 31, 1816.

The act gave her a credit at the treasury for \$ 34 17, to which her husband was entitled in his lifetime.

CHAPTER CCCXXV.

An ACT for the relief of Charles F. Wing, Clerk of Muhlenburg Court.

Approved January 31, 1816.

The act released the damages recovered against him for failing to pay the revenue.

CHAPTER CCCXXVI.

An ACT for the better regulation of the Town of Mountsterling, in Montgomery County.

Approved February 1, 1816.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall and may be

Trustees,
how elected.

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lawful for the white male inhabitants of the age of twenty-one years and upwards, who have resided within the bounds of the town for three months next preceding the first Monday in August, to elect, on the said first Monday in August, five persons as trustees for the town for the ensuing year; who shall hold their office until their successors shall be elected and organized.

Elections regulated.

Sec. 2. The election shall be held at the court-house within said town, and under the directions of a trustee then in office, having been appointed by the president of the existing board of trustees for that purpose; who shall, within ten days after the election, make a return to the clerk of the board [of] the names of the persons so elected; who shall, at their next meeting, be entered on their records, and considered as the trustees of the town for the year ensuing.

Election in case of vacancies.

Sec. 3. In case of a failure to act, or in case of a vacancy by death, resignation, removal out of the town, or otherwise, the president of the board shall direct one of the board to hold an election to supply such omission or vacancy, at a time by him appointed, on giving notice by advertising at the market-house the two next market days preceding such election.

Who not eligible.

Sec. 4. No person shall be elected a trustee, who has not a legal or equitable title to real estate within the bounds of the town, and qualified to vote for trustees for the same. Each trustee, before he enters on the duties of his office, shall take an oath, before a justice of the peace for the county of Montgomery, that he will, to the best of his abilities, execute the duties of trustee for the town of Mountsterling; a certificate of which oath shall be filed with the clerk, and at their next meeting entered on the records of the board.

Oath.

Regulations respecting meetings, &c.

Sec. 5. The trustees shall hold four stated meetings in each year, at such time as they may fix by their by-laws, and such other meetings as the president shall deem proper to call; a board shall consist of at least three members, and shall meet within fifteen days after they have been elected; at which time they shall appoint a president from among their own body, who shall preside at their meetings; and on his failing to attend at any meeting of the board, they shall appoint one of their own body, who shall preside in his absence. They shall

Clerk, & his duty.

elect a clerk annually, who shall hold his office until a

successor shall be elected, unless removed for good cause ; and in case of removal, a majority of all the trustees must concur. The clerk shall receive a compensation for his services, to be fixed by the trustees, not exceeding one hundred dollars a year ; before he enters on the duties of his office, he shall take the following oath, before a justice of the peace for the county :

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“ That he will keep safe all books and papers committed to his care, and faithfully execute the office of clerk to the board of trustees for the town of Mountsterling ;”

Clerk's oath

a certificate of which oath shall be entered on their records. They shall annually appoint a treasurer, who shall hold his office until a successor be appointed, unless removed for good cause ; and in case of removal, a majority of all the trustees must concur. The treasurer shall receive a compensation for his services, to be fixed by the trustees, not exceeding six per cent. on the monies he shall receive ; before he enters on the duties of his office, he shall enter into bond with security, payable to the trustees of the town of Mountsterling and their successors, in a penalty of five thousand dollars, conditioned that he will well and truly execute the office of treasurer to the board of trustees for the town of Mountsterling ; and the trustees may at any time, on his failing to perform any of the duties annexed to his office, prosecute a suit in the Montgomery circuit court, or any other court having similar jurisdiction, on the said bond, and recover judgment for what may be then due, with an advance of fifteen per cent. on said judgment, together with costs ; on which execution shall issue, endorsed “ No security to be taken.” And such bond shall not be void upon the first judgment, or dismissal of a first suit or other suits, but may be put in suit from time to time, until the whole penalty shall be recovered. It shall be the duty of the treasurer to settle with and receive the taxes due from the town collector ; to keep a fair account of all monies received and paid out by him as treasurer ; to pay out no monies except by an order from the board, signed by the president and attested by the clerk ; and once in every year, and as much oftener as the board shall direct, produce to the board his accounts, fairly stated, with his vouchers, and pay over any balance that may be due, at the discretion of the board.

Regulations
respecting
treasurer.

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Assessor, and
his duty; and
regulations
concerning it

Sec. 6. They shall appoint a town assessor, who shall assess the value of all lots, and the improvements thereon, merchandize, and such other personal property as the board may direct, that is within the bounds of said town, on the first day of August annually; and also take a list of all the house-keepers, with the number of white males over sixteen years of age, resident in each family; which assessment and list shall be returned by the assessor to the clerk of the board, on or before the first day of September, and kept by him for the inspection of those listed thereon, until the next stated meeting of the board, and then returned by the clerk of the board; at which time those who think themselves aggrieved may attend, and the board shall hear them, and shall make such alteration in the list as they may deem right; which assessment and list, when recorded, shall stand as the assessment and list of that year. And the said assessor, in making out his list and assessment, shall apply at the house of each house-keeper, for his list of property to be assessed, and number of males over sixteen years; and on any person or persons failing or refusing to render his, her or their list as aforesaid, or when the owner of real or personal property does not reside within the town, the assessor shall list and assess the same from the best information he can get. The assessor shall receive a compensation for his services, to be fixed by the board, not exceeding one dollar for each day he may be necessarily engaged in making such assessment.

Trustees to
lay tax, & reg-
ulations con-
cerning it.

Regulations
respecting a
collector.

Sec. 7. The trustees shall annually, at the stated meeting on which the assessor's list is to them returned, or as soon thereafter as convenient, lay a tax on the property returned in said list, not exceeding twenty-five cents for each hundred dollars valuation, male slaves over sixteen excepted; and also a tax on each house-keeper, not exceeding one dollar for each male so listed over sixteen years of age. They shall in each year appoint a town collector, who shall receive a compensation for his services, to be fixed by the trustees, not exceeding six per cent. on the money he shall collect; who, before he enters on the duties of his office, shall enter into bond, payable to the trustees of the town of Mountsterling, and their successors, with sufficient security, in a penalty of double the sum to be by him col-

lected, conditioned to collect and pay to the treasurer of the board, all the taxes put into his hands to collect, on a day to be fixed by the by-laws of the board, and inserted in the condition of his bond; whose duty it shall be, so soon as any lists of taxes is put into his hands for collection, to proceed to collect from the persons charged on his lists, the amount so charged against them; and on their failing or refusing to pay the same, he may proceed to collect the same by distress and sale of the personal estate of such person, or so much thereof as will be sufficient to pay the taxes and expence of distress and sale, first giving ten days' previous notice of the sale, by advertising at the court-house and market-house in said town; and the collector shall have power to collect any arrearages of taxes due him as collector, for one year after the time expires for which he was appointed the collector. The collector shall, on or before the day specified in the conditions of his bond, account with and pay over to the treasurer the amount due from him, after deducting delinquents and insolvents, also his commission for collection; and on failure thereof, the trustees may, on giving ten days' previous written notice, recover judgment on motion in the Montgomery circuit court, against the said collector and his securities, the full amount of the taxes then due, with fifteen per cent. damages on the same, and cost of suit; on which judgment execution shall issue, endorsed "No security to be taken." And for making distress and sale of personal property in the collection of the town tax, he shall be allowed the same fees as are now allowed the collector of the revenue of this state for similar services.

Sec. 8. *And be it further enacted.* That the trustees shall have power to pass by-laws imposing a tax on any person or persons who for a compensation shall exhibit any feat or show within the town: *Provided*, no tax shall be imposed thereon exceeding ten dollars per day for each feat or show; and on failure to pay the same to the president of the board, he shall collect the same by warrant, in the name of the trustees of Mountsterling, together with costs of suit. They shall have power to pass by-laws, declaring what shall be a nuisance and obstruction in the town, and to compel the removal of the same by the person who may occasion them, or have

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Regulations
respecting
by-laws about
showmen.

1815.

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them removed at their expence. They shall have jurisdiction over the market-house, now built on the public square of said town, and over that part of said ground now enclosed by the post and rail fence around the same; and may increase the size of the market-house, provided they shall not extend the same beyond the ground now enclosed around the same, without the consent of the county court being first obtained. They shall have power to appoint a clerk to the market-house, to prescribe his duties, and to prohibit, under penalty of forfeiture, the exhibiting in market provision or provisions unfit for market, or such as shall be found under weight or measure; to make laws to regulate the market, and affix penalties to the breach thereof, not exceeding ten dollars for any one breach.

By-laws relating to streets &c.

Sec. 9. *And be it further enacted,* That the trustees aforesaid shall have power and jurisdiction to make by-laws and ordinances for the regulation of the streets, alleys and police of the town; affix penalties to the breach thereof, not exceeding ten dollars to any one breach. They shall have power, whensoever the majority of the proprietors of the front ground of any street or square petition them, to order the owners of the front of such street or square to pave the footway of the same, within such time and under such regulations as they shall direct; and upon any one or more of the owners of such front ground failing or refusing to pave the same agreeable to such order, the trustees shall have the footways in front of his or their ground paved, and assess the expence on the party or parties so failing or refusing; which assessment shall be put into the hands of the town collector, who shall collect and account for the same as other taxes by him collected.

How monies to be applied.

Sec. 10. *Be it further enacted,* That all taxes, fines or assessment that may be collected and received by the trustees of the said town, under the provisions of this act, that the same shall be by them applied in repairing the streets and alleys, and such other purposes, as they may deem for the general benefit and safety of said town.

Conveyances how made.

Sec. 11. *Be it further enacted,* That the said trustees shall have power to make conveyance by deed, to all lots holden within the bounds of said town, not already by them conveyed, to such person or persons, and his

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or their assigns, as shall, agreeable to the laws of this commonwealth, produce to them a fair and equitable title, whether the same be deduced from the said trustees, the original purchaser or purchasers from the trustees, or from any special law of this commonwealth: *Provided*, all and every person or persons claiming deeds, must show that the original purchase money is paid. 1815.

All acts and parts of acts coming within the purview of this act, shall be, and the same are hereby repealed.

CHAPTER CCCXXVII.

An ACT to incorporate the Gallatin Ohio Steam Boat Company.

Approved February 1, 1816.

WHEREAS it is represented to the present general Preamble: assembly, that there reside a number of citizens in the lower end of the county of Gallatin, who are desirous of erecting and putting into operation, a steam-boat and steam-mill on the Ohio river, in said county, and the great expence and labor attending, and necessary to effect the same, render it impossible from individual enterprise, and they having petitioned for an act of incorporation: Therefore,

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That Robert King, John Pugh, John M'Intire, Henry Davidge and William French, together with all such persons as shall become shareholders in the manner hereafter directed, shall be, and are hereby constituted a corporation and body politic, by the name of the President and Directors of the Gallatin Ohio Steam-Boat Company, and by that name shall be, remain and continue a body politic and incorporate until the year 1835; when all the powers, rights and privileges herein granted, shall cease, and they are hereby made capable in law to receive, purchase, hold, possess and enjoy in perpetual succession, lands, tenements, hereditaments, goods, chattels and effects, of what kind, nature or quality soever, and the same to sell, grant, demise, alien or dispose of at pleasure; and to sue or be sued, plead or be impleaded, compromise or arbitrate in all matters and things at law, or in equity, Who to compose the corporation. Style thereof. Until 1835. Powers of the corporation.

1815.

Individual
property lia-
ble for debts.

in any court whatever having cognizance thereof in such cases ; and to make, have and use a common seal ; also to make such by-laws as may be necessary for the management, government and regulation of said corporation to have due force and effect, unless contrary to the laws and constitution either of this state or the United States ; and generally to do all and singular such matters and things, which may be necessary, or to them of right may appertain or belong, subject, however, to the rules, regulations and restrictions hereafter prescribed : *Provided, however,* the estate and property of all and every individual shareholder who holds or possesses stock in said corporation, shall be liable and subject in law, to the extent of his or her interest therein, to pay and satisfy all just debts or demands contracted by said corporation during the time he or they held said stock, upon a failure of the corporation funds, to discharge the same.

Regulations
respecting
shares, the
whole not to
exceed 500.

Sec. 2. It shall be lawful for any person or persons to subscribe or purchase so many shares as he may think proper, under the regulations by this act prescribed : Each share shall be one hundred dollars, and the whole number of shares shall not exceed five hundred ; every person or persons at the time of his, or her subscribing, shall pay down the sum of twenty-five dollars, to the persons authorised to receive the subscription for each share ; twenty-five dollars more at the expiration of three months, and so on quarterly in that proportion, until the whole is paid ; and upon a failure to pay any of the instalments, or a part thereof, within six months after the respective times they became due, it shall be lawful to advertise the said share or shares, for sale, at two of the most public places within ten miles of the site on which the steam-mill is proposed to be built, at least twenty days, and sell the said share or shares to the highest bidder, on a credit of three months, the purchaser giving bond and security.

Respecting
subscriptions

Sec. 3. Subscriptions for shares in the said corporation, may be received by John Pugh, Anthony Bartlett, Robert King, John McIntire and Henry Young, until the first meeting of the shareholders under this act : A majority of at least two thirds shall then designate the

persons to receive subscriptions, or sell stock under the regulations which the shareholders or a majority of two thirds of the owners of the stock, shall then make. 1815.

Sec. 4. The shareholders shall meet for the purpose of electing a president and two directors at the house of Abraham King, in Gallatin county, on the first Monday in March next, and on the same day in every year thereafter, for the same purpose, at such place as the president may order ; which time and place of election shall be advertised ten days previous at two of the most public places in the vicinity of the mill intended to be built. The president and directors shall continue in office for one year ; and in case an election should not take place at the time appointed by this act, the corporation for that cause, shall not be dissolved, but the president and directors shall continue in office until an election can be had ; and it shall be their duty to proceed to have an election as soon as may be in the manner directed by the by-laws, and in case of death, resignation, removal or refusal to act, of a president or directors, the vacancy may be filled by a new election. The president and directors shall have the power of employing such managers, mechanics, clerks or servants as they may deem necessary for the business of said corporation ; and shall be capable of exercising such other powers for the well governing and ordering the affairs of said corporation, as may be prescribed by the by-laws. Elections of president and directors, their duties and powers.

Sec. 5. The shares in said company may be transferred according to the mode directed by the president. Transfers.

Sec. 6. The manner of voting shall be in proportion to the number of shares each individual shall hold, to wit : For one share and not more than two, one vote ; for every two shares above two, and not exceeding ten, one vote ; for every five shares above ten, one vote ; but no person or persons shall, in any event, be entitled to more than thirty votes ; nor shall any person be entitled to vote on any share or shares unless held or owned at least six months. Manner of voting.

Sec. 7. At the annual meeting, the president and directors shall lay before the shareholders, a statement of the accounts, with such other information as they may think necessary. The lands held and owned by said Statement of accounts. Lands.

1815.

corporation, shall be contiguous to said steam-mill, or so near as to answer for the purposes of affording fuel for the use of the mill, and shall not exceed the quantity of five hundred acres.

Charter may
be repealed.

Sec. 8. *Be it further enacted*, That the legislature shall at all times, have power to repeal, alter or amend this charter, by any violation of any of the prohibitions herein contained.

CHAPTER CCCXXVIII.

An ACT further to regulate the Circuit Courts of this Commonwealth.

Approved February 3, 1816.

Office of as-
sistant judges
abolished.

Circuit judg-
es invested
with sole pow-
er in all cases

Justice of the
peace may
order bail.

Notice of an
application
for an injunc-
tion not ne-
cessary.

Regulations
as to writs of
habeas cor-
pus.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That so much of any, and of every law as creates the office of assistant judge, shall be, and the same is hereby repealed; and the circuit judge of each circuit court, shall alone, possess all the power and authority for the trial of criminal and civil cases, as the circuit courts heretofore possessed.

Sec. 2. *Be it further enacted*, That any justice of the peace in this state, within his own county, shall have the same power and authority to endorse on any original writ, that bail shall be required, that a circuit or assistant judge now has by law, on proper affidavit being made before him as now required by law for that purpose.

Sec. 3. *Be it further enacted*, That hereafter notice to the adverse party for obtaining an injunction, shall not be required.

Sec. 4. *Be it further enacted*, That any two justices of the peace, shall have the same power and authority, to issue writs of *habeas corpus*, as assistant judges heretofore had; and every writ of *habeas corpus* so issued by said justices, shall be made returnable before the judge of the circuit court, who shall be nearest to the place where the person praying the same, may be confined; and the person to whom the said writ shall be directed, shall be allowed one day for making his return, for every twenty miles he may necessarily travel in going to said judge: And if any person or persons shall

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hereafter fail, or refuse to obey any writ of *habeas corpus* so issued, or issued by a judge of the circuit court, in vacation ; such person or persons so failing or refusing, shall be subject to the same course of proceedings, liable to the same fine and imprisonment, as though the said writs of *habeas corpus* had issued in term time.

1815.

Sec. 5. *Be it further enacted*, That the circuit judges of this commonwealth hereafter appointed, shall receive respectively, the sum of twelve hundred dollars annually, to be drawn quarterly out of the public treasury, under the rules and regulations now in force.

Prospective salaries of circuit judges hereafter appointed.

Sec. 6. *Be it further enacted*, That each circuit judge, may in addition to the judicial terms allowed by law, to the counties respectively composing his circuit, appoint and hold in any and every of the counties, one or more additional terms, for the trial of chancery causes, or for the trial of any person apprehended upon a charge of felony.

Circuit judges may appoint & hold additional terms in their districts.

CHAPTER CCCXXIX.

An ACT authorising and directing the Surveyor of Logan County to record certain plats and certificates of Survey.

Approved February 3, 1816.

The plats and certificates were those made by the late surveyor, and left unrecorded at the time of his death.

CHAPTER CCCXXX.

An ACT for the benefit of Leah M'Gonegle, and others.

Approved February 3, 1816.

The act remitted to Leah M'Gonegle the balance of the state price due on fifty acres of land, and gave to the heirs of John Dillard, by his last wife, a warrant for 100 acres of land.

DECEMBER SESSION,

1815.

CHAPTER CCCXXXI.

An ACT to amend the act entitled "an act authorising the transcript of certain records in the County Court of Pendleton."

Approved February 3, 1816.

The act gave longer time to perform the service required of the court commissioners and clerk, by the act amended;

CHAPTER CCCXXXII.

An ACT to add a part of Allen County to the County of Warren.

Approved February 3, 1816.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky, That all that part of Allen county, included within the following bounds, shall be, and the same is hereby added to the county of Warren, and shall compose a part of the county of Warren, to all intents and purposes whatsoever, viz. All that part of Allen county, lying west of a line to begin at the point where the line dividing the said counties of Warren and Allen, crosses the road leading from Bowling-Green to Edward Martin's, called the Bledsoe's lick road, running such course as will leave the house of James Gibson, jun. one half mile in Warren; and from thence such course as will leave Thomas Cooke's house one fourth of a mile in Allen; and from the line opposite said Cooke's a due south course to the Tennessee state line.*

Sec. 2. *Be it further enacted, That it shall be lawful for the sheriff of Allen county, to collect in manner and time prescribed by law, the public revenue and levies which are due, or may become due for the last year, from any person or persons residing within said bounds, as though this act had not passed.*

CHAPTER CCCXXXIII.

An ACT for the relief of the 20th Regiment of the Militia of this State.

Had its effect.

Approved February 3, 1816.

CHAPTER CCCXXXIV.

1815.

An ACT authorising the County Court of Harrison to sell part of their public ground.

Approved February 3, 1816.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall and may be lawful for the county court of Harrison, at their next April or May terms, (a majority of all the justices being present) or as soon thereafter as convenience will permit, to meet at the court-house in Cynthiana, and then and there to adopt some suitable plan for disposing of a part of the public ground in said town; and the said justices shall be vested with full power and authority to sell, dispose of, and convey, in such manner and under such rules and regulations as they may adopt, whatever part of their said public ground they may deem most proper should be sold, and as much thereof as may not by them be thought necessary for public uses; having advertised at the door of their court-house, the time and conditions of the sale, at three several court days previous thereto.*

SEC. 2. *And be it further enacted, That the funds arising from the sale of the aforesaid public ground, shall be by the county court appropriated in such manner as they, or a majority of them, may direct.*

CHAPTER CCCXXXV.

An ACT to alter the time of holding the Chancery Term of the Mason Circuit Court.

Approved February 3, 1816.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That the chancery term of the Mason circuit court, shall hereafter commence on the third Monday in March, in every year, instead of the second Monday in February, as heretofore directed by law.

DECEMBER SESSION,

1815.

CHAPTER CCCXXXVI.

An ACT to legalise the proceedings of the County Court of Livingston, and the Trustees of the Town of Salem.

Approved February 3, 1816.

The proceedings of the county court legalised, were laying the levy when a majority of the justices was not present. All previous proceedings of the trustees of Salem, were legalised.

CHAPTER CCCXXXVII.

An ACT to establish the Town of Bedford, in the County of Henry, and the Town of Crab-Orchard, in the County of Lincoln.

Approved February 6, 1816.

Preamble.

WHEREAS it is represented to the present general assembly, that a town has been laid off, and part of the lots sold, in the county of Henry, on 200 acres of land belonging to Henry Young, Jack Pryor, Charles Eastin, Charles Dorsey, jun. and Daniel Farley, who are desirous that the said 200 acres should be vested in trustees, and the town established and regulated as other towns in this commonwealth are : Therefore,

The town of Bedford established, and trustees appointed.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the said 200 acres of land shall be, and are hereby vested in Henry Davidge, Archelaus Hoskins, Daniel Farley, Jack Pryor and William Gatewood, for the purpose of a town, to be called and known by the name of "Bedford;" and that the said trustees, or a majority of them, shall have full power and authority to lay off the same into lots, streets and alleys, and dispose of the lots and adopt necessary rules and regulations respecting the same, and to convey to the purchasers lots which have heretofore been sold, as well as those which may hereafter be sold.

Powers of trustees.

Sec. 2. *Be it further enacted,* That the trustees of the said town shall possess all the power and authority invested in the trustees of towns by the act passed 19th December 1796, entitled "an act concerning the establishing of towns," and the several acts amendatory thereto; and the said trustees, and the said town, shall in all respects be governed by the provisions of the before recited act, and the said acts amendatory thereto.

WHEREAS it is represented, that a town has been laid out on the lands of John Daviss, at the intersection of the roads leading from Stanford and Lancaster to Mount Vernon, and that it would be proper to establish said town: 1815. Recital.

Sec. 3. *Be it therefore enacted by the General Assembly of the Commonwealth of Kentucky,* That eighteen acres one rood and nine poles of land, bounded as follows, to wit: Beginning at a stake, the northwest corner of lot No. 45, according to the plan of the town as laid out by the proprietors; thence south eleven degrees east twenty-six poles; thence north seventy-six degrees east thirty-two poles; thence south thirty-five degrees east thirty-one poles; thence north forty-four degrees east forty-three poles; thence north thirty-five degrees west thirty-six poles; thence south sixty-one degrees west twenty-nine poles; thence north eleven degrees west fourteen and a half poles; thence south sixty-one degrees west eleven and a half poles; thence south eleven degrees east fourteen and a half poles; thence to the beginning; be established a town according to the plan already laid out by the proprietor, John Daviss, whose duty it shall be to have a correct plat thereof recorded in the clerk's office of the Lincoln county court, by which plat the boundaries of the lots and direction and width of the streets shall be known and determined; and the town shall be known and called by the name of "Crab Orchard."

Sec. 4. *Be it further enacted,* That Daniel Owsley, Ranc M'Kinny, John Daviss, Thomas Owsley, Archibald Shanks and Archibald S. Letcher, are hereby appointed trustees to said town, who shall hold their offices until the first Monday of March 1817; on which day, and on the same day in every year thereafter, the free male inhabitants of said town, above the age of twenty-one years, shall meet in said town, and choose by election six fit persons for trustees, to serve for one year after their election; which election shall be conducted by two of the trustees, who shall be designated by the board for that purpose. Trustees appointed.

Sec. 5. *Be it further enacted,* That the trustees by this act appointed, and their successors in office, or a majority thereof, shall have power to pass such by-laws and rules for the government and regulation of said powers of trustees.

1815.

town, as to them may seem right, not contrary to the constitution of this state, or inconsistent with the laws thereof.

Trustees may levy a tax on inhabitants of said town. Sec. 6. *Be it further enacted,* That the trustees, or a majority of them, shall have power to levy and collect a tax off the inhabitants of said town, not to exceed five dollars, annually, from any individual, if to them it should seem expedient; which money shall be applied to the improvements of said town. And the said trustees shall have power to appoint an assessor and a collector to said town; and shall require such securities of them as they shall deem sufficient to insure the faithful performance of the duties to them entrusted; and shall make them such compensation for their services as they may think proper. When vacancies happen in the board, by death, resignation, removal or otherwise, the trustees shall fill such vacancy; and the member or members so added to the board of trustees, shall continue in office until the succeeding annual election.

Appoint assessor & collector.

Vacancies, how filled.

Board of trustees not dissolved if elections do not take place. Sec. 7. *Be it further enacted,* That should the elections not take place on the day fixed for the annual election of trustees, the board shall not for that cause be dissolved, but the incumbents shall remain in office until their successors are elected; and it shall be the duty of the trustees to fix some other day, at as early a period as convenient, on which day two of their number shall attend and hold an election for trustees.

Trustees to appoint a clerk. His duty and compensation.

Trustees to take an oath of office.

Sec. 8. *Be it further enacted.* That the trustees shall appoint a clerk, whose duty it shall be to keep a fair record of their proceedings, and to publish by advertisement in said town, the by-laws by them enacted for the regulation and government thereof, and keep safely all papers committed to his charge. They shall make such compensation to their clerk, as to them shall seem reasonable. The trustees by this act appointed, and their successors hereafter elected, shall severally, before they enter upon the duties of their office, take an oath before some justice of the peace, that they will faithfully discharge the trust to them committed, without favor, partiality or affection; a certificate of which oath shall be filed with the clerk of said board of trustees.

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CHAPTER CCCXXXVIII.

1815.

An ACT for the relief of Wilson Sullivan.

Approved February 6, 1816.

He was indicted for murder, in Floyd county : This act authorised
a removal of it to the Clarke circuit court.

CHAPTER CCCXXXIX.

*An ACT concerning the Town of Jefferson, in Jefferson
County.*

Approved February 6, 1816.

WHEREAS it is represented to this general assembly, Preamble:
by the trustees of Jefferson town, in Jefferson county,
that the title to the land on which the said town was laid
off and established, is found defective ; and the heirs of
Peter Shepherd, in whose name the land on which said
town is laid off, [was] entered, surveyed and patented,
had the legal title and best claim ; and in order to avoid
a long and expensive law suit with the heirs aforesaid,
which would have ended to the ruin of many of the hold-
ers of in-lots in said town, the trustees thought proper to
compromise with the heirs of Peter Shepherd, by their
attorney in fact Robert Wickliffe ; to effect which com-
promise, the trustees have paid the sum of seventy-eight
dollars for the land on which the said town is laid off ;
by which proceedings the said trustees have saved many
of the proprietors from inevitable ruin :

Sec. 1. *Be it enacted by the General Assembly of the* Trustees to
Commonwealth of Kentucky, That from and after the assess & col-
passage of this act, the trustees of Jefferson town, or a lect a tax.
majority of them, and their successors in office for the
time being, shall be, and are hereby invested with full
power and authority to assess, levy and collect, on the
property, real and personal, within said town, the afore-
said sum of seventy-eight dollars, exclusive of the sum
of fifty dollars to be levied and collected annually, by
“ an act concerning the town of Jefferson, in the county
of Jefferson,” approved February the first 1809 ; seven-
ty-eight dollars of which said sum so assessed and levi-
ed, shall be subject to be refunded to the trustees.

Sec. 2. *Be it further enacted,* That the collector shall How collect-
proceed to collect and receive of the owners of lots, the ed.

1815.

proportionable amount of the aforesaid sum which each lot shall be assessed and subject to, as well as the annual tax due on each lot; and on failure or refusal of payment, the said collector is hereby authorised to seize and distrain any property, real and personal, of any person or persons failing to pay sufficient to satisfy their respective amount of the aforesaid sum, or the annual taxes due, and costs of distress, under the following rules and regulations: The said collector shall, after affixing a notice of the time and place of sale, at the most public houses in said town, ten days previously to the day of sale of any personal property which he shall seize or distrain, proceed to sell the same, or so much thereof as will satisfy the said sum or annual tax due, and costs of distress, at some public place, to the highest bidder for cash. Whenever it shall be necessary, as aforesaid, to sell any lot, house, or other real property within said town, whether the owner be a resident or non-resident of the town, county or state; or if the owner is unknown, it shall be the duty of the town collector to cause to be inserted in one of the newspapers published in Louisville, or other public newspaper, an advertisement specifying the day and place of sale, the number of the lot, house or other real property proposed to be sold, the owner's name, if known to the collector, and the amount of tax due, two weeks successively before the day of sale to be appointed by said collector, if the said taxes have not been previously paid, shall proceed to sell the said lot, house or other real property so proposed to be sold, or so much thereof as will satisfy said tax and costs of distress, to the highest bidder for cash.

Collector to
execute
deeds.

Sec. 3. *Be it further enacted,* That in all cases where any lot, house or other real property, or part thereof, whether of persons resident or non-resident within the limits of said town, shall be sold, the town collector is hereby authorised, upon payment of the purchase money, to execute to the purchaser or purchasers a deed of conveyance of the lot, house or other real property, or part thereof, so sold; which deed or conveyance shall effectually, in law and equity, transfer to and vest in the purchaser or purchasers, all the right, title and interest in and to the said lot, house or other real property, or part thereof so sold, of the person charged with the amount of his or their proportionable part of said sum so assessed, with taxes, on account of said lot.

Sec. 4. *Be it further enacted*, That the said collector, in lieu of the bond of one hundred dollars penalty, as is directed by the aforesaid act, shall give bond and security in the penalty of two hundred and fifty-six dollars, and shall account with and pay to the person appointed by the trustees, the amount of all monies received and collected by him, after deducting his insolvent lists, on or before the day appointed by a by-law to be enacted by said trustees, and which day shall be mentioned in the condition of the collection bond; on failure whereof, the clerk of said trustees may prosecute a suit on said bond, according to the direction of the before recited act; and when judgment is rendered against said collector and his securities, execution shall be issued, with an endorsement that "no security shall be taken."

1815.

Collector's bond.

And whereas doubts have arisen, whether the deeds signed and executed by the former trustees of Jefferson town, will be good and valid against the conveyance made by the heirs of Peter Shepherd, deceased, to the present trustees and their successors, for the whole of the tract of land on which said town was laid off: and whether persons holding under the former claims, would not be evicted by virtue of said title:

Recital.

Sec. 5. *Be it therefore enacted*, That if any person or persons, who shall pay their proportionable share, which shall be assessed on each lot of said town, by the trustees, and produce a receipt of the collector of the payment of such assessment, the said trustees or their successors shall, upon application of any person or persons producing a receipt as aforesaid, sign and execute a deed to such person or persons; which deed or conveyance shall effectually, in law or equity, transfer to and vest in said person or persons, or their assigns, all the right, title and interest in and to the said lots.

Trustees to make deeds.

CHAPTER CCCXL.

An ACT authorising certain Advertisements to be inserted in the "Georgetown Patriot," printed in Georgetown.

Approved February 6, 1816.

"BE it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall and may be lawful for

1815.

any advertisements which are by law required to be published in a newspaper, to be inserted in the "Georgetown Patriot," published in Georgetown, Kentucky; and the editor of said paper shall be entitled to the same fees, and be governed by the like regulations as other printers in this commonwealth: *Provided*, that nothing herein contained shall be so construed as to authorise the insertion of such advertisements in said paper as are particularly required by law to be published in the paper of the public printer.

CHAPTER CCCXLI.

An ACT directing the mode of choosing Electors to vote for a President and Vice-President of the United States.

Approved February 6, 1816.

Had its effect.

CHAPTER CCCXLII.

An ACT for the benefit of the heirs of James C. Price, deceased, and others.

Approved February 6, 1816.

The act authorised Price's administrator to sell the lands of his intestate, for the payment of his debts; Benjamin South to sell part of the lands of his deceased brother, John South, for the payment of his debts; and the administratrix of Pascal Hickman, to sell lands for the payment of his debts.

CHAPTER CCCXLIII.

An ACT to authorise the Auditor to transcribe certain Books, and for other purposes.

Approved February 6, 1816.

Had its effect.

CHAPTER CCCXLIV.

An ACT vesting certain powers in the Trustees of the Towns of Newport and Georgetown.

Approved February 6, 1816.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky, That the trustees of the*

town of Newport, in the county of Campbell. be, and they are hereby empowered to lay a tax upon the inhabitants thereof, not exceeding the sum of two hundred dollars, annually, for the purpose of repairing the streets and alleys of said town, and maintaining and improving the police thereof; which said sum may be levied and collected upon and from the said inhabitants, pursuant to any ordinance or by-law which may be made by the said trustees for that purpose.

1815.

Sec. 2. *Be it further enacted*, That the trustees of Georgetown, shall be, and they are hereby authorised to levy and collect a tax from the citizens of said town, any sum not exceeding five hundred dollars: *Provided*, that said trustees shall not be at liberty to tax any property, but such as shall be at the same [time] taxed for the benefit of the state government.

CHAPTER CCCXLV.

An ACT for the benefit of Betsy Irvine and the heirs of Job Carter, deceased.

Approved February 6, 1816.

The act appointed commissioners to sell their lands.


CHAPTER CCCXLVI.

An ACT to authorise the Guardians of Infants, and Committees of Idiots and Lunatics, to execute Bonds and convey Lands in certain cases.

Approved February 8, 1816.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That whereas the right owner, or successful claimant, mentioned in the eighth section of the act entitled "an act to amend an act entitled an act concerning occupying claimants of land," passed on the 31st day of January 1812, shall, at the time of entering into the bond directed by the said recited section, be an infant, his guardian, legally appointed, may sign such bond with security, as guardian; and such bond shall be as obligatory on said infant, as if he was over the age of twenty-one years and had executed

Guardians of infants may execute bonds for such infant, under the occupying claimant law; and be binding and obligatory.

1815.  And make the election required by said law. cuted the bond himself ; and in like manner, if the seater or occupant is an infant at the time or times that the bonds and security are to be given, as directed and allowed by the ninth and tenth sections of said recited act, the guardian of such infant, legally appointed, may make any election by said last mentioned sections allowed ; and may, as guardian to such infant, execute bond or bonds with security, as in case of adults ; and such bond or bonds shall be as obligatory on such infant, as if he or she was twenty-one years of age, and had executed such bond in proper person.

And may execute deeds of conveyance for lands under said law. Sec. 2. *Be it further enacted*, That in case the successful claimant shall be an infant, and the value of his or her improvements shall exceed three-fourths of the value of the land, or the seater or occupant shall elect to take the land recovered of him or her, the guardian of such infant, legally appointed, shall and may make any election, and execute any deed or deeds of conveyance, on behalf of such infant, conveying the land so recovered to such seater or occupant ; and such conveyance shall be binding on such infant, and pass the title of such successful claimant as completely as if the infant was twenty-one years of age, and had executed said conveyance or release in proper person.

Circuit court may in certain cases appoint special guardians. Sec. 3. *Be it further enacted*, That whenever any successful claimant, or seater or occupant, in any suit, shall be an infant, and it shall be necessary for him or her to enter into bond, or execute any conveyance by guardian, as in this act allowed, and it shall appear to the court that such infant has no legal guardian appointed by any county court in this state, it shall and may be lawful for the court before whom the report of commissioners is made, to appoint some fit person as guardian for such infant, for the special purposes in this act mentioned ; and shall take from such guardian or guardians so appointed, bond with sufficient security, in a penalty of at least double the amount of the matter in contest, payable to the commonwealth for the use of such infant, conditioned to perform all the duties assigned to him by this act, and to pay to such infant all the money he may receive for any land conveyed to the opposite party under this act ; and said bond shall be filed and preserved by the clerk of the court, and shall be delivered to such infant when he or she shall attain the age of twenty-one.

Who shall give bond.

Condition thereof.

years, or to any legal guardian that may be appointed for him by any county court in this state, before such infant shall arrive at the age of twenty-one years; on which bond any suit or suits may be prosecuted for the use of such infant, until the whole penalty shall be recovered, as in other cases of bonds with collateral conditions. And the guardian so appointed under this act, shall possess the same power to execute any bond or bonds by this act allowed, or execute any release or conveyance on behalf of such infant, as the guardians appointed by the county court are allowed to do in behalf of infants.

1815.

May be put in suit.

Power of the guardian under this act.

Sec. 4. *Be it further enacted*, That the committee of an idiot or lunatic, shall be, and is hereby authorised to execute any bond or bonds, or any conveyance or release, for and on behalf of such idiot or lunatic in as full and ample a manner, and in the same cases as guardians are on behalf of infants by virtue of this act.

Committees of idiots and lunatics entitled to the provisions of this act.

Sec. 5. *Be it further enacted*, That if any guardian or committee appointed either by the county court, or as allowed by this act, shall in any suit for land, or in any case in this act mentioned, discover that he can save the estate of his ward, idiot or lunatic, committed to his or their charge, by compromising the claims, or the compensation for the lands or improvements, he shall be, and is hereby authorised to compromise, arbitrate, adjust or settle the whole controversy, or such part thereof as may be expedient, and to execute any bond, note or conveyance of title that may be necessary to carry said compromise or adjustment into full effect, in the name of, and on behalf of said infant, idiot or lunatic; which bonds, notes or conveyances, shall bind the infant, idiot or lunatic, and pass his or their title in as complete a manner, as if executed in proper person, by him or them, if he or they were of full age and of sane mind.

Powers given to the guardians or committees to compromise, &c.

And shall be binding.

CHAPTER CCCXLVII.

An ACT to incorporate the Louisville and Hopkinsville Library Companies.

Approved February 8, 1816.

SEC. 1. *BE it enacted by the General Assembly of the Louisville Commonwealth of Kentucky*, That Mann Butler, Wil. brary compa-

1815. *William C. Galt, Brooke Hill, Hezekiah Hawley and William Tomkins, and those who have subscribed, and who may hereafter subscribe to the Louisville Library Company, be, and they are hereby constituted a corporation and body politic in law and in fact, under the name and style of the President and Directors of the Louisville Library Company.*

Sec. 2. Be it further enacted, That the said corporation may purchase, receive by grant or otherwise, and hold books, maps, charts, and all other apparatus appertaining to literature, and every other species of property; and may grant, sell and dispose of the same at pleasure, for the use and benefit of said company; and may by their corporate name, sue and be sued, implead and be impleaded, in any court of law or equity in this commonwealth.

Sec. 3. Be it further enacted, That said corporation may be capable to make, have and use a common seal, which they shall have power to break, alter or amend at pleasure.

Sec. 4. Be it further enacted, That all the rules and regulations, not inconsistent with the laws of this commonwealth, which have been heretofore adopted for the management of the affairs of said company, shall be valid and obligatory upon the shareholders of said company, until altered, amended or abrogated.

Sec. 5. Be it further enacted, That said corporation shall have full power to make any by-laws which they may deem expedient for the government of said company, not repugnant to the laws of this commonwealth, or this act.

Sec. 6. Be it further enacted, That the president, directors, or other officers of said company, may be appointed or removed from office at pleasure, by a majority of shareholders, in said company, present at any meeting held upon due notice, given according to the by-laws of said corporation.

Sec. 7. Be it further enacted, That all the powers hereby vested in this corporation, be exercised by the president, and any two directors, for the time being, or in the absence of the president, by any three directors, one of whom shall have been appointed president pro tem.

Sec. 8. *Be it further enacted*, That said corporation shall have power to levy such contribution on each shareholder, in said company, as they may deem necessary for the interests of said company: *Provided*, that it shall not exceed one fifth part of the value of the stock held by such shareholder per annum. 1815.

Sec. 9. *Be it further enacted*, That Peter Ferguson, James H. McLaughlin, John Bryan, Rezen Davidge, Benjamin Shackelford, Samuel A. Miller, John D. Patton and Charles Caldwell, and their successors, duly elected or appointed in manner hereinafter directed, be, and are hereby made and constituted a corporation and body politic in law and in fact, to have continuance forever by the name and style of the "Hopkinsville Library Company." Hopkinsville library company incorporated.

Sec. 10. *Be it further enacted*, That all and singular the sums of money, books, goods and chattels, which may have been subscribed and paid, or which may have been subscribed and remain unpaid, or which may hereafter be subscribed, given, granted or devised to said company, or any person for the use thereof, shall be vested in and confirmed to said corporation; and that the said corporation may take and receive any sum or sums of money, or any goods or chattels, or other effects of what kind or nature soever, which shall or may hereafter be given, granted or bequeathed unto them, by any person or persons, bodies politic or corporate, capable of making such gift or bequest; such money, goods, chattels or other effects, to be laid out and disposed of in the purchase of books, maps, charts, drawings, &c. for the use of the said company, agreeably to the intention of the donors.

Sec. 11. *Be it further enacted*, That the said corporation shall have full power to make and use a common seal, with such device and inscription as they shall think proper; and the same to break, alter or amend at pleasure; to appoint a secretary, treasurer and librarian, to assign them their duties; fix their compensation, and remove him or them from office, and appoint another or others in their stead; to make and execute such by-laws as may be necessary for the institution, and the same to alter or abrogate; to fix the price of new shares, and annual contributions on shares;

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to direct how transfers of shares may be made and certified; and judge of the persons proper to be admitted as members; to procure by purchase, rent or otherwise, a suitable place for keeping the library; to fill up vacancies that may happen between their meetings; to levy and collect fines and forfeitures; and to transact all matters appertaining to the said corporation or company, agreeably to the rules and by-laws thereof, during their continuance in office: *Provided, however,* that not less than a majority of said directors, shall be a quorum to do business; that no by-law shall be made repugnant to the laws of this commonwealth; and that no contribution shall be laid on any share in any one year, greater than one fifth of the value of a share, without the consent of a majority of the members.

Sec. 12. *Be it further enacted,* That there shall be a semi-annual meeting of the members of said library company, at the library, or such suitable place as the directors may, from time to time appoint, of which the directors shall cause at least ten days notice to be given in the *Femisphere*, edited in Hopkinsville, or other notices affixed on the doors of the public houses or taverns, in said town; at which time and place, the members or such of them as may be present, either personally or by proxy, evidenced by writing under the hand of the shareholder, and shall not be in arrears for any annual contribution, fines or forfeitures, shall elect and choose by ballot, eight directors out of their number, to serve for the half year ensuing their election, and until others shall be elected and consent to serve in their place: *Provided always,* that a majority of the shareholders as aforesaid, either personally or by proxy, shall be necessary to elect the directors; and that each shareholder, shall be entitled to one vote for each share he shall possess in the institution.

Sec. 13. *Be it further enacted,* That the directors shall cause the treasurer, secretary and librarian, to keep in suitable books for that purpose, just and proper entries of all the proceedings and accounts of the company and corporation, and have them laid before the company, at every half yearly meeting, previous to taking the vote for directors; and shall always deliver the said books, together with all the property of the

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company, in good order to their successors in office, whenever required.

1815.

Sec. 14. *Be it further enacted*, That the first election for directors by virtue of this act, shall be held on the first Monday of March, one thousand eight hundred and sixteen ; and the second election on the first Monday of September, and on the same days in every year thereafter ; and in case a majority should fail to attend at the time appointed to hold election of directors, &c. fifteen or more may constitute a quorum to do business.

Sec. 15. *Be it further enacted*, That each shareholder, shall be at liberty at all times, to transfer or relinquish his share or shares ; and that he shall forever thereafter, be released from all further contribution on account thereof.

Sec. 16. *Be it further enacted*, That the directors appointed by this act, shall hold their offices until superceded by an election held at some of the semi-annual meetings of the company, directed by this act.

CHAPTER CCCXLVIII.

An ACT to authorise the Governor to subscribe to the State Bank, certain monies that have been, and may be received by the Treasurer.

Approved February 8, 1816.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That all the money which has been received, or shall hereafter be received into the public treasury, on account of the sale of lands acquired by the treaty of Tellico, and the money arising from sale of land warrants, under the law appropriating the vacant lands of this commonwealth, approved February 6, 1815, is hereby appropriated, for the purpose of filling up the state stock in the Bank of Kentucky.

Monies on account of Tellico lands, & land warrants subscribed for stock.

Sec. 2. *And be it further enacted*, That it shall be the duty of the treasurer, whenever there shall be money sufficient in the treasury, belonging to any fund appropriated for the purpose of taking bank stock, to take ten shares, to make report thereof to the governor, whose duty it shall be forthwith, to subscribe such shares on the part of the state.

Treasurer's duty.

Governor to subscribe every 10 shares

DECEMBER SESSION,

1815. *In what case treasurer may subscribe stock.* Sec. 3. *And be it further enacted,* That in the absence or sickness of the governor, it shall be the duty of the treasurer to subscribe the stock on the part of the state, taking for the amount of stock subscribed at each time, a certificate from the cashier of the bank ; which certificate he shall file with the auditor of public accounts, who shall credit the treasurer with the amount of all certificates of subscription for stock.

CHAPTER CCCXLIX.

An ACT to increase the number of Justices of the Peace in sundry Counties in this Commonwealth.

Approved February 8, 1816.

WHEREAS it is represented to this general assembly, that there is not a sufficient number of justices of the peace in sundry counties in this commonwealth : For remedy whereof,

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That in addition to the number of justices of the peace now allowed by law, in the county of Allen, three shall be added, two of which shall reside in, or as near as may be, to the town of Scottville, in said county.

Sec. 2. *And be it further enacted,* That the county of Adair shall be entitled to two justices of the peace, in addition to the number now allowed by law.

Sec. 3. *Be it further enacted,* That the county of Bath shall be entitled to two justices of the peace; to reside in Owingsville ; the county of Shelby one, to reside in Shelbyville ; the county of Knox one, to reside within one mile of the turnpike gate ; the county of Hardin two, to reside in the town of Elizabeth ; the county of Fleming one ; the county of Logan one ; the county of Hopkins one ; the county of Campbell one, to reside in the town of Covington ; the county of Mercer one, to reside in the town of Harrodsburg ; the county of Green one, to reside in the town of Greensburg ; and the county of Union one, respectively in addition to those already allowed by law.

CHAPTER CCCL.

1815.

An ACT to amend the Law concerning Writs of Error.

Approved February 8, 1816.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That no writ of error shall be brought or sued out from any court in this commonwealth, to reverse the decree of any court of equity hereafter obtained, granting a divorce from the marriage contract. No writ of error to be prosecuted.

SEC. 2. *And be it further enacted,* That no writ of error shall be brought or sued out from any court in this commonwealth, to reverse the judgment or decree of any court of law or equity hereafter obtained, except in three years next after the judgment or final decree, and not thereafter; any law to the contrary notwithstanding: *Provided, nevertheless,* that if any person or persons entitled to such writ or writs of error as aforesaid, were under twenty-one years of age, *feme covert*, or of a non-sane mind, at the time of the rendition of any judgment or decree; every such person, his heir or legal representatives, may, within two years next after their several disabilities are removed, sue out, or prosecute any writ of error, notwithstanding three years may have elapsed after the judgment or final decree was obtained. Writs of error cannot be prosecuted after 3 years.

SEC. 3. *Be it further enacted,* That hereafter, writs of error with supersedeas may be sued out notwithstanding the judgment or decree may not amount to fifty dollars, under the same rules and regulations as writs of error and supersedeases are now directed by law. And may be sued out on a less sum than 50 dollars.

CHAPTER CCCL.

An ACT adding a part of the County of Nicholas to the Counties of Fleming and Harrison.

Approved February 8, 1816.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That all that part of the county of Nicholas, included in the following bounds, to wit: Beginning at the mouth of the Flat fork of Johnson; thence with the Mason county line to the middle trace; thence with the middle trace to a point from Part of Nicholas added to Fleming.

1815.

which a straight line will include the spring of Thomas Jenkins, and exclude the house of William Bartlett, one half mile from said line; thence to the mouth of Fleming creek; thence with the Fleming county line to the beginning; shall be, and the same is hereby added to, and shall be included in the county of Fleming.

Sec. 2. *Be it further enacted*, That it shall be lawful for the sheriff of Nicholas county to make distress for any taxes, levies, or other public dues or officers' fees, unpaid by the inhabitants within the aforesaid bounds at the time the change of jurisdiction into Fleming county shall take place, and he shall be accountable in like manner as if this act had not passed.

Sec. 3. *Be it further enacted*, That the courts of Nicholas county shall have jurisdiction in all actions and suits depending therein at the time the said change of jurisdiction shall take effect; and they shall try and determine the same, issue process and award execution thereon. This act shall commence and be in force from and after the first day of September next.

Part of Nicholas added to Harrison.

Sec. 4. *Be it further enacted*, That from and after the first day of September next, as aforesaid, all that part of Nicholas county, included in the following boundary, to wit: Beginning on the north side of main Licking river, at the point where the Bracken and Nicholas line strikes the same; thence up the river to a point opposite the place where the Harrison and Nicholas line strikes the said river; thence a straight line to the southwest corner of Williby Stewart's land; thence north to M'Lintock's bark road; thence along the road to the line between the lands of Thomas Throckmorton, jun. and Thomas Metcalfe; thence north to the Bracken county line; thence with said line to the beginning; shall be, and the same is hereby added to the county of Harrison, under the same provisions, rules and regulations of that part which is herein added to the county of Fleming.

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CHAPTER CCCLII.

1815.

An ACT for the benefit of Caleb Linsey.

Approved February 8, 1816.

A patent had issued to him on a survey of 400 acres, when it ought to have issued on a re-survey of 96 acres : The act directed the patent to be cancelled, and a patent to issue on the re-survey.

CHAPTER CCCLIII.

An ACT to legalise the appointment of Commissioners to take in Lists of Taxable Property for the County of Casey.

Approved February 8, 1816.

CHAPTER CCCLIV.

An ACT for the relief of William White.

Approved February 8, 1816.

He was proprietor of a settlement certificate, which had been granted to James M'Chord, but by a mistake of the clerk, had issued to John M'Chord : This act applied the proper remedy.

CHAPTER CCCLV.

An ACT for the benefit of Elizabeth Prichard.

Approved February 8, 1816.

The act remitted to her the balance of the state price due on the land she lived on.

CHAPTER CCCLVI.

An ACT to amend and explain an act concerning Witnesses in certain cases, and Venire Men.

Approved February 8, 1816.

WHEREAS it is represented to the present general assembly, that an ambiguity exists in the existing law allowing a compensation to witnesses : For explanation whereof,

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Be it enacted by the General Assembly of the Commonwealth of Kentucky, That each and every witness summoned to attend on trials before justices of the peace of this commonwealth, shall be allowed the same compensation per day, which by the present law is allowed to witnesses for attending courts, commissioners, referees and surveys of land.

CHAPTER CCCLVII.

An ACT to compel the Manufacturers of Salt-Petre to inclose their works prior to making Salt-Petre.

Approved February 8, 1816.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That all and every person or persons who shall proceed to make salt-petre, without having previously inclosed his or their works, so as to render it inaccessible to cattle, and every other kind of stock that may receive injury by drinking the salt-petre water, brine or bitter water; or who may at any time after such inclosure shall have been made, shall by leaving down gaps, or otherwise, whereby such cattle or stock as aforesaid can have access to such salt-petre water, brine or bitter water; for every such offence, shall be subject to pay a fine of twenty dollars; which may be recovered by warrant before any justice of the peace in this commonwealth: which fine shall be applied to lessening the county levy in the county where the offence shall have been committed.

This act shall commence and be in force from and after the first day of June next.

CHAPTER CCCLVIII.

An ACT to enable owners of Slaves to protect them from the violence of the wanton and unfeeling.

Approved February 8, 1816.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That if any person shall hereafter whip, strike, or otherwise abuse the slave of another, without the consent of the owner of such slave, the

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person owning such slave shall have a right to commence and prosecute an action of trespass, in any circuit court in this commonwealth, against the person so offending, notwithstanding the slave may not be so injured that the master may lose his or her services thereby, and notwithstanding the slave shall not have been in the possession of the master at the time he or she was so whipped; and the court shall render judgment for such damages as the jury shall assess, and the cost: *Provided*, that nothing in this act contained shall be construed to prevent any person or persons from inflicting such punishments on slaves as the laws now in force permit.

1815.

CHAPTER CCCLIX.

An ACT for the benefit of the heirs of David Simpson.

Approved February 8, 1816.

The act allowed them twelve months to pay the state price for 200 acres of land, and remitted the interest.

CHAPTER CCCLX.

An ACT for the benefit of James Williams.

Approved February 8, 1816.

The act remitted the state price due on 56 acres of land on which he resided.

CHAPTER CCCLXI.

An ACT further to suspend law process in certain cases.

Approved February 9, 1816.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That when any execution shall issue in this commonwealth, from the clerk's office of any court, or any justice of the peace, on any original judgment or decree heretofore or hereafter obtained, the plaintiff or plaintiffs may endorse, by themselves, their agent or attorney, or the clerk of the court, in obedience to an order or memorandum to that effect made by the plaintiff or plaintiffs, or his or their attorney or agent, may endorse that "notes on the bank of

Executions on decrees or judgments hereafter issued, to be endorsed.

The endorsement.

1815.

When such endorsement is made, execution may be replevied three months

Kentucky or its branches, or notes on any other incorporated bank of this state, or notes on the treasury of the United States, will be accepted in discharge of the whole of this execution." And in cases where such endorsement is made, the execution shall be levied and replevied for three months only, according to the laws directing a replevin for that period, and without the stay or replevin hereafter allowed in cases of executions not endorsed as allowed by this section of this act.

Where execution is not endorsed, the defend't. may replevy 12 months.

Sec. 2. *Be it further enacted*, That when any execution may issue as aforesaid, and shall not be endorsed as allowed by the first section of this act, and shall be levied on the estate or person of the defendant or defendants therein named, he, she or they may replevy the same for one year, by giving bond with approved security to the officer executing the same, conditioned to pay the amount of debt or damages, interest and costs contained in said execution, to the plaintiff or plaintiffs, within one year from the date thereof, with interest from the date. And all officers shall be regulated in taking said bond or bonds by the forms now deemed legal and valid, with regard to replevin bonds at three months' credit heretofore directed by law, with the proper variation as to time of payment; and said bonds payable at one year, shall have the force of judgments, and executions shall issue thereon in the same manner as on replevin bonds heretofore in use, payable at three months.

Conditions of replevy bond

To have the force of judgments, & executions may issue thereon

Provision where the execution is in the officer's hands, & not executed or endorsed when this act takes effect.

Sec. 3. *Be it further enacted*, That where any original execution, issued on a judgment or decree, shall or may be in the hands of any officer for collection, at the time this act takes effect, and shall not be then executed, or endorsed with a willingness to accept bank or treasury notes pursuant to the laws now in force, the plaintiff or plaintiffs, his, her or their agent or attorney, may make thereon such endorsement as is allowed by the first section of this act; and the officer holding the same for collection, shall proceed thereon as in case of other executions endorsed agreeably to the first section of this act. But if such endorsement is not made thereon before the same is levied, the defendant or defendants shall be entitled to replevy for one year, as allowed by this act in case of other executions not endorsed as allowed by the first section of this act.

And if not endorsed, may be replevied 12 months by the defend'ts.

Sec. 4. *Be it further enacted*, That when any original execution on a judgment or decree has been endorsed as allowed by the first section of this act, and in consequence thereof the same has been replevied for three months only, agreeably to the laws heretofore in force, or the provisions of this act, every execution which may issue on such replevin bond, whenever it may emanate, shall of course be endorsed by the clerk or magistrate issuing the same, in the same words as the original execution was endorsed, pursuant to the first section of this act; and the sheriff or other officer executing the same shall be governed thereby, and shall accordingly receive such bank notes or treasury notes as shall be named in the endorsement thereon.

Sec. 5. *Be it further enacted*, That when any execution shall issue, and shall not be endorsed agreeably to the first section of this act, and the defendant or defendants shall fail or refuse to replevy the same on or before the day of sale, for one year, the officer executing the same shall sell the estate seized and taken in execution by virtue thereof, on a credit of one year; and shall take bond and approved security from each purchaser, payable to the plaintiff or plaintiffs, conditioned to pay the amount for which the estate may be sold, with legal interest thereon, within one year from the day of sale; which bond shall contain substantially the requisites of a bond heretofore directed by law to be taken in the case of the sale of lands, at three months' credit, with the proper variation of the species of property sold, and time of payment; and shall be returned to the clerk's office, or justice of the peace, and have the force of a judgment; and if the amount thereof is not paid at the time it becomes due, execution shall issue thereon as now directed by law in case of ordinary replevin bond or bonds, taken for the sale of land, at three months' credit, until the whole amount thereof is paid or collected. The sheriff or other officer so selling the estate taken in execution, pursuant to this section of this act, shall have the same commission upon the amount of the sale, and for taking the bonds, which he would have been entitled to if the money had been collected; and his commission shall be included and taxed by the sheriff or other officer, with the other costs contained in said execution.

1815.

Executions on replevy bonds taken by virtue of an execution endorsed as aforesaid, shall be endorsed by the clerk or magistrate of course.

When an execution issues not endorsed and is not replevied, the sheriff or officer may sell the property on one year's credit, & take bond from the purchaser.

Nature of the bond.

To have the force of a judgment, on which execution may issue.

Sheriff's fees.

1815.

Sec. 6. Be it further enacted, That in cases where an endorsement is made on any execution, as allowed by the first section of this act, and the defendant or defendants shall be entitled to replevy for three months, and shall fail to do so on or before the day of sale, the sheriff or other officer shall sell the estate taken by virtue of such execution, at three months' credit, and take bond and security for the payment thereof within three months, from the purchaser, which shall contain the same requisites of bonds taken from the purchasers payable in one year, as directed by the next preceding section of this act, in case of the sales of property on a credit of one year; and such bond shall be in like form, and have the like force and effect; and the sheriff's shall have the same commission as in the case of bonds payable at one year: *Provided, however,* that all executions issued on such three months' bonds, taken from purchasers for the collection thereof, shall of course be endorsed by the clerk or magistrate, with the same endorsement which the original execution had thereon, as allowed by the first section of this act.

When an execution issues and is endorsed, & the defendant fails to replevy, the estate taken may be sold on a 3 months' credit, taking bond from the purchaser.

Nature of the bond

Sheriff's fees

Proviso.

Sec. 7. Be it further enacted, That in all cases of the sales of personal estate or slaves, under execution, either at three months' credit or one year, pursuant to the two next preceding sections of this act, and the price thereof shall exceed the amount of the execution, including the costs, the sheriff or other officer shall take bond and security for such balance, payable to the defendant or defendants whose property was sold, conditioned to pay such balance, with interest thereon, within three months, or one year, according to the terms of sale; which bond shall be returned to the clerk's office, and have the force [of] a judgment, and execution shall issue thereon till the amount is collected, as in case of bonds payable by the purchaser or purchasers to the plaintiff or plaintiffs; and the defendant or defendants to whom it is given, shall be entitled thereto, and have the same remedy against the sheriff for the recovery thereof, as the plaintiff or plaintiffs are entitled to by law: *Provided, however,* that if said bond be at three months' credit, every execution which shall be issued thereon, shall be endorsed as the original execution was, pursuant to the provisions of the first section of this act.

When estate is sold under an execution & the amount of sales exceeds the amount of the execution, the purchaser shall execute a replevy bond to the defendant for the excess to have the force & effect of a judgment & proceeded on as above directed.

Proviso.

Sec. 8. *And be it further enacted,* That all original executions issued on judgments or decrees, and endorsed as directed by the first section of this act, shall be replevied for three months, as heretofore; and executions or replevin bonds, or on which replevin is not allowed by the laws now in force, shall be collected as heretofore, without regard to the provisions of this act.

1815.

Executions thus endorsed, when replevied or on which replevin is not allowed, shall be collected as heretofore. Where the plaintiff in an execution resides in a state or territory where law process is suspended, the defend't. may replevy one year, or the property of the defendant sold at 1 year's credit.

Sec. 9. *Be it further enacted,* That whenever any defendant or defendants against whom a judgment or decree is rendered by any court or justice of the peace in this state, shall prove to the satisfaction of said court, during the term at which judgment or decree rendered, or before the justice of the peace, previous to his issuing execution, that the plaintiff or plaintiffs, person or persons to whom the debt actually belongs, is a resident of any of the other states or territories of the United States, and such court or justice shall be satisfied that the state or territory in which such plaintiff or plaintiffs, or owner of the debt resides, have in force laws suspending their ordinary process for the payment of debts, such court or justice shall note the fact at the end of the judgment or decree, on their record; and the clerk or justice shall, in the face of the execution, after the name of the plaintiff or plaintiffs, insert the words "resident of ——— state or territory, whose debts are suspended." All such executions shall be repleviable on or before the day of sale, for one year, or the property sold at one year's credit, as directed by this act in the case of executions not endorsed agreeably to the first section thereof.

Sec. 10. *Be it further enacted,* That whenever any court in this commonwealth shall render a decree of foreclosure and sale of any property by virtue of any mortgage, deed of trust, or any other legal or equitable lien, if the party in whose favor such decree is rendered shall not consent and allow to be noted on the record as part of the decree, that he is willing to accept notes on the bank of Kentucky or its branches, or any other incorporated bank of this state, or notes on the treasury of the United States, in discharge of the whole of the demand, the court shall suspend the sale of the property so decreed to be sold, for one year at least after rendering said decree.

Provisions of this act extended to decrees for foreclosure of mortgages.

1815. *Commencing clause, & expiration of this act.* Former laws suspended until the expiration of this act, when the same shall be revived.

Sec. 11. *Be it further enacted,* That this act shall take effect and be in force on the first day of Februrary 1816, and shall continue until the first day of February 1817, and no longer. All laws suspended by this act, or the act of the last session of the legislature, entitled "an act to suspend law process in certain cases, shall remain suspended until the first day of February in the year 1817, at which period they shall be revived and remain in force.

CHAPTER CCCLXII.

An ACT for the better securing the navigation of Main Licking.

Approved February 10, 1816.

Repealing clause.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That from and after the first day of December next, an act entitled an act allowing mills to be built on Main Licking under certain restrictions, approved December twenty-second, one thousand eight hundred and six, shall be, and the same is hereby repealed.

Greenup and Marble to abate & alter their milldam

Sec. 2. *Be it further enacted,* That Christopher Greenup and Peter F. Marble, who had built a mill under the provisions of the before recited act, shall be, and they are hereby authorised to abate and alter their mill-dam, so that it shall not obstruct the navigation of the river, nor injure any individual by back water or otherwise.

On failure, not to be entitled to the benefit of this act.

Sec. 3. *Be it further enacted,* That if the said Greenup and Marble, do fail to abate or alter their mill-dam as aforesaid, by the first day of December next, that they shall not in that case, be entitled to the benefit of this act, or of any other law authorising mills to be built on that part of the said river; but shall be liable to be proceeded against in the same manner, and subject to the same damages, as if no law had authorised the building of mills on that part of said river.

Not exempted from liability to pay damages.

Sec. 4. *Be it enacted,* That nothing herein contained, shall be so construed as to exempt the said Greenup and Marble, or any person holding under them, for any damages that may have accrued, or that may accrue,

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before the first day of December next, under the present existing laws upon the subject : *Provided also*, that it shall always be in the power of the legislature to repeal this act.

1815.

CHAPTER CCCLXIII.

An ACT to amend the Penal Laws of this Commonwealth.

Approved February 10, 1816.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That hereafter, upon the conviction of any person in any court within this commonwealth, for an offence which needs not, under the existing laws, a regular indictment, but may be prosecuted by presentment of a grand jury, or by motion, and where the intervention of a petit jury shall not be necessary, no attorney's fee shall be taxed up by the clerk, or received by the attorney for the commonwealth, against the offender ; nor shall the prosecuting attorney in the name of the commonwealth, or otherwise, take a writ of error from the decision or judgment of the court in favor of the prosecutor, in any of the above described cases ; nor shall the court of appeals take jurisdiction thereof in the name, and at the instance of the commonwealth.

Attorney's fee not to be taxed in certain cases.

Nor writ of error to be prosecuted.

Sec. 2. *And be it further enacted*, That so much of any law as requires the name of a prosecutor to be set at the foot of an indictment or information, for a trespass or misdemeanor, shall be, and the same is hereby repealed, except in cases that relate to a trespass upon the person or property of individuals ; and in such cases, the prosecutor shall have his or her name annexed to the indictment or presentment, and shall be liable for costs on the failure of the prosecution as heretofore.

The law requiring the name of a prosecutor to be set at the foot of a presentment or indictment for a trespass &c. repealed. Exception.

CHAPTER CCCLXIV.

An ACT regulating certain Surveys in this Commonwealth.

Approved February 10, 1816.

See Chapter 491 of this volume for a supplement to this act.

1815.

Preamble.

WHEREAS it is represented to this general assembly, and is moreover manifest from an inspection of the books of the register of the land office, that the habit has prevailed, and is now prevailing to an injurious extent, of surveying in the name of heirs and others, entries made under Virginia treasury office land warrants, upon the unappropriated lands in this commonwealth, and upon lands previously appropriated by the good citizens, and under the laws of this commonwealth, whereby the public revenue is defrauded, and the citizens aforesaid, subjected to embarrassment and iniquitude : For remedy whereof,

Certain plats and certificates of survey, not to be registered or patented without a certificate of the surveyor, and affidavit of the owner.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That no plat and certificate of survey, which purports to be made pursuant to, or by virtue of an entry upon a Virginia land office treasury warrant, made since the nineteenth day of October, one thousand seven hundred and eighty-five, shall be recorded, and carried by the register of the land office into grant ; unless the surveyor who shall have made out the same, shall officially certify at the bottom, or on the back thereof, that the identical objects called for in the entry, or some of them are embraced in the said survey ; and the proprietor of the said survey, shall moreover file an affidavit with the register, at the time he lodges the plat and certificate of survey, that the land called for in the entry, under and in virtue of which the said survey was made, or the greater part thereof, is the identical land embraced within the survey aforesaid.

Penalty on surveyor for certifying, & the proprietor for swearing falsely.

Sec. 2. *Be it further enacted,* That both the surveyor and proprietor aforesaid, shall be liable, under the existing laws against perjury, to be prosecuted, convicted and punished for that offence, in case the former shall have certified, or the latter sworn falsely in the certificate, or affidavit aforesaid ; and the office of the former shall moreover be vacated upon its being ascertained, that he did in any instance, certify falsely ; and shall moreover be liable to a fine of five hundred dollars each, to be recovered by indictment or presentment before any court, having jurisdiction of the same ; one half to the informer, and the other to the commonwealth.

No grant to issue on such

Sec. 3. *Be it further enacted,* That no grant shall be issued upon any plat or certificate of the description

aforesaid, now on the files, or on record in the register's office, until the surveyor who made the survey, shall certify upon the same as herein directed, and until the claimant thereof shall file an affidavit as above required; and the claimants are hereby permitted upon their paying the register, the proper fees for the trouble he has been at, to withdraw from that office, their respective plats and certificates of survey, for the purpose of obtaining the certificate of the surveyor as above and herein required; and when withdrawn, they shall not again be received by the register, unless they contain, and are accompanied with the certificate and affidavit, required by this law.

1815.

surveys now
in the regis-
ter's office,
without such
certificate &
affidavit.

Sec. 4. *Be it further enacted*, That upon the trial of any ejectment in any court of this commonwealth, in which the patent upon which the plaintiff relies, or from which he deduces title, issued upon a plat and certificate of survey, executed upon an entry made since nineteenth day of October, one thousand seven hundred and eighty-five, and returned to the register's office, since the last day of September, one thousand seven hundred and ninety-eight, no judgment shall be given by the court for the plaintiff upon any verdict found for him unless the jury who returned the verdict, shall also find specially, and return therewith, that the land described in the patent is part of the identical land embraced by the entry, under and by virtue of which the survey was made, and upon which the patent issued.

No judgment
to be entered
in ejectment
in certain ca-
ses, unless
the jury find
specially that
the land is
embraced
by the entry.

CHAPTER CCCLXV.

An ACT to incorporate the Cynthiana Manufacturing Company.

Approved February 10, 1816.

WHEREAS it is represented to the present general assembly, that land had been purchased adjoining the town of Cynthiana, and that buildings have been erected calculated for doing business extensively, in manufacturing cotton and wool, and that machinery has been procured at great expence and labor to the proprietors, who from divers causes are unable to carry the same into full effect without injury to their usual

Preamble:

1815.

Incorporation.

And style thereof.

Individual property liable.

Capital stock

pursuits, and they having solicited an act of incorporation : Therefore,

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That William Moore, William Brown, Samuel Hall, Hartwell Boswell and Isaac Miller, the present directors of an associated company, who with said company, and of all such persons as shall hereafter become shareholders in the manner hereinafter directed, shall be, and are hereby erected into a corporation and body politic, by the name, style and title of the "Cynthiana Manufacturing Company," and shall so continue until the first day of January, in the year one thousand eight hundred and thirty-six ; and by that name, style and title, are hereby made able and capable in law, to have, hold, purchase, receive, possess, enjoy and retain to them and their successors, lands, rents, tenements, hereditaments, goods, chattels and effects of what kind, nature or quality soever, to an amount not exceeding their capital stock ; and the same to sell, grant, demise, alien or dispose of, and to sue or be sued ; plead and be impleaded, answer and be answered, defend and be defended, in any court of law or equity, or in any other place whatsoever ; and also to make, have and use a common seal, and the same to break, alter or renew at pleasure ; and also, make, ordain, establish and put in execution, such by-laws, ordinances and regulations, as seem to them necessary and convenient for the government of said corporation, and which are not contrary to law ; and generally to do, and execute all and singular, the acts, matters and things, which to them it shall or may appertain to do, subject, nevertheless, to the rules, regulations, restrictions and limitations hereinafter prescribed : *Provided, however,* that the estate and property of all and every individual shareholder who holds or possesses stock in said corporation, shall at all times be liable and subject in law, in proportion to his or her interest therein, to pay and satisfy all debts and demands contracted by said corporation during the time he or they held stock therein, upon a failure of the incorporate funds to discharge the same.

Sec. 2. It shall be lawful for any person, copartnership or body politic, to subscribe for or purchase at public auction, such or so many shares, as he, she or they

may think fit under the regulations hereinafter prescribed or authorised, until the number subscribed or purchased, together with the sums already appropriated, laid out, or expended by the present proprietors, shall amount to five hundred shares.

1815.

Sec. 3. Each share shall be one hundred dollars, payable in notes negotiable at the Bank of Kentucky or either of its branches, or at the office of the Kentucky Insurance Company; one fourth at thirty, one fourth at sixty, one fourth at ninety, and one fourth at one hundred and twenty days after date, with approved endorsers. In case any subscriber or purchaser at auction, shall fail to pay the amount of his, her or their note or notes, when the same shall become due, the deficiency may be recovered of the delinquent and their endorser or endorsers by suit.

Price of stock
and how to be
paid for.

Sec. 4. Subscriptions for shares in the said corporation, may be received by William Moore, William Brown, Samuel Hall, Hartwell Boswell and Isaac Miller, or sold by them at public auction, after at least two weeks notice in one of the public newspapers printed at Lexington or Paris, if requested by a majority of the owners of two-thirds of the then stock, until the first meeting of the shareholders under this act. A majority of at least two-thirds shall then designate the persons to receive subscriptions, or sell stock, under the regulations, which the said shareholders or a majority of two thirds of the owners of the stock, shall then make.

Subscriptions
to be received,
or stock
sold.

Sec. 5. The shareholders shall meet for the purpose of electing a president and three directors, at the house built for the manufactory aforesaid, on the second Monday in March next, and on the same day in every year thereafter, for the same purpose, and at the same place; of which time and place, fourteen days notice shall be given in one of the newspapers before named. The president and directors shall continue in office one year from the time of their election; and in case it shall at any time happen, that an election of president and directors should not be made at the time required by this act, the said corporation shall not for that cause be deemed dissolved; but it shall be lawful for the president and directors who were last in office to continue as such, until there is a new election: and it shall be their duty, in the manner which shall be regulated by the

President &
directors to
be elected.

1815.
Vacancy of
president &
directors,
how filled.

by-laws, to appoint another day for electing president and directors to serve for the remainder of the year; and in the event of the death or removal from the state, or refusal to act, of a president or director, his place may be supplied by a new election, specially convened for that purpose.

President &
directors may
call a general
meeting.

Sec. 6. The president and one director, or two directors, in the absence of the president, shall form a board; and the president, or two directors, in his absence, shall at any time have power to call a general meeting of the shareholders.

Shall appoint
managers, &c

Sec. 7. The president and directors for the time being shall have power to appoint or employ such managers, mechanics, clerks or servants as they may think necessary for the business of the said corporation; and to allow them respectively such compensation for their services as they may deem proper, and to require security for their upright discharge of their several functions and trusts; and shall be capable of exercising such other powers and authorities for the well governing and ordering the affairs of the said corporation, as shall be described and determined by the laws and ordinances of the same.

Shares trans-
ferable.

Sec. 8. The shares in said company shall be transferable, under such regulations as may be provided by the laws of said corporation.

Votes, how
taken.

Sec. 9. The number of votes to which each shareholder may be entitled at a general meeting, shall be according to the number of shares he may hold, in the proportions following: That is to say, for one share, and not exceeding two shares, one vote; for every two shares above two and not exceeding ten, one vote; for every five shares above ten, one vote; but no person, copartnership or body politic shall be entitled to more than thirty votes; neither shall any person, as proxy, be entitled to more than thirty votes; nor shall any shareholder be entitled to vote, in person or by proxy, on any share or shares held and owned less than six months.

President &
directors to
give state-
ment.

Sec. 10. At the annual general meetings, the president and directors shall lay before the shareholders a statement of the accounts, with such other information as they may think necessary, when such dividend of the profits shall be declared as the president shall think advisable.

Sec. 11. The said corporation shall have power to manufacture flour. 1815.

Sec. 12. The lands held and owned by said corporation, shall not exceed ten acres. May manu-
facture flour.
May hold ten
acres of land.

Sec. 13. *Be it further enacted*, That it shall be the duty of the said corporation, and they are hereby expressly enjoined and required to invest, appropriate and employ the full amount of the capital stock aforesaid in the establishment of the manufactories hereby authorised, and the purchase and procurement of raw materials to be employed in the various manufactories contemplated by this act; and such capital stock exclusively to invest, appropriate and employ in promoting the manufacturing objects of the said corporation as aforesaid; and at no time, and on no occasion whatever, to divert from this, its legitimate object, any portion of the said capital, or to appropriate or employ any part thereof whatsoever, to banking purposes, under pain of forfeiting entirely this charter, and all and every advantage and privilege hereby conferred. And moreover the legislature shall at all times have power to repeal this act, by any violation of the true intent and meaning of any part of the prohibitions herein contained. Stock to be
employed in
manufactur-
ing, &c.
And not in
banking.

CHAPTER CCCLXVI.

An ACT to regulate certain Officers' Salaries.

Approved February 10, 1816.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That the several officers hereafter mentioned, shall receive for their salaries annually, the following sums: That is to say, to the governor, the sum of two thousand dollars; to the secretary of state, the sum of eight hundred dollars; to the auditor of public accounts, the sum of two thousand dollars; to the register, the sum of one thousand five hundred dollars; to the treasurer, the sum of one thousand two hundred dollars; which sums shall be paid in the manner and form heretofore prescribed by law.

DECEMBER SESSION,

1816.

CHAPTER CCCLXVII.

An ACT for the benefit of the heirs and devisees of Richard Young, and Sanford Carrell, deceased.

Approved February 10, 1816.

The act authorised Young's and Carrell's administrators, respectively, to sell and convey lands for the benefit of the representatives.

CHAPTER CCCLXVIII.

An ACT fixing the Ratio and apportioning the Representation for the ensuing four years.

Approved February 10, 1816.

Ratio affixed. *SEC. 1. BE it enacted by the General Assembly of the Commonwealth of Kentucky, That the ratio for the next four years, shall be, and the same is hereby affixed at seven hundred qualified voters for each representative; and the representation for that period shall be, and the same is hereby apportioned throughout the state for the house of representatives, in the following manner, to wit: From the county of Adair, two; from the county of Allen, one; from the county of Boone, one; from the county of Butler, one; from the county of Bath, one; from the county of Barren, two; from the county of Bullitt, one; from the county of Breckenridge, one; from the county of Bracken, one; from the county of Bourbon, three; from the county of Casey, one; from the county of Campbell, one; from the county of Caldwell, one; from the county of Clarke, two; from the county of Christian, three; from the county of Cumberland, one; from the county of Clay, one; from the county of Davies, one; from the county of Estill, one; from the county of Fayette, three; from the county of Floyd, one; from the county of Fleming, two; from the county of Franklin, two; from the county of Grayson, one; from the county of Greenup, one; from the county of Garrard, two; from the county of Green, two; from the county of Gallatin, one; from the county of Hardin, two; from the county of Harrison, two; from the county of Henry, one; from the counties of Henderson and Union, one; from the county of Hopkins, one; from the county of Jefferson, two; from the county of Jessamine, one; from the county of Knox, one;*

In the house of representatives.

from the county of Lincoln, two ; from the county of Logan, two ; from the county of Livingston, one ; from the county of Lewis, one ; from the county of Mercer, two ; from the county of Madison, three ; from the county of Mason, two ; from the county of Muhlenberg, one ; from the county of Montgomery, two ; from the county of Nelson, three ; from the county of Nicholas, one ; from the county of Ohio, one ; from the county of Pulaski, one ; from the county of Pendleton, one ; from the county of Rockcastle, one ; from the county of Scott, two ; from the county of Shelby, three ; from the county of Woodford, two ; from the county of Warren, two ; from the county of Wayne, one ; from the county of Washington, three.

1815.

Sec. 2. *Be it further enacted.* For the purpose of apportioning the representation in the senate, this state shall be, and the same is hereby laid off into thirty-four senatorial districts, as follows, to wit: The counties of Bath, Floyd and Greenup, shall compose the first district; the counties of Mason and Lewis, the second; the counties of Fleming and Nicholas, the third; the county of Bourbon, the fourth; the county of Fayette, the fifth; the counties of Montgomery and Estill, the sixth; the county of Clarke, the seventh; the counties of Woodford and Jessamine, the eighth; the county of Scott, the ninth; the counties of Franklin and Gallatin, the tenth; the counties of Harrison and Bracken, the eleventh; the counties of Campbell, Pendleton and Boone, the twelfth; the county of Shelby, the thirteenth; the county of Henry, the fourteenth; the counties of Jefferson and Bullitt, the fifteenth; the county of Nelson, the sixteenth; the county of Washington, the seventeenth; the counties of Ohio, Daviess and Henderson, the eighteenth; the counties of Grayson, Breckinridge and Butler, the nineteenth; the county of Hardin, the twentieth; the counties of Knox and Clay, the twenty-first; the counties of Pulaski and Casey, the twenty-second; the counties of Muhlenberg, Hopkins and Union, the twenty-third; the county of Logan, the twenty-fourth; the counties of Livingston and Caldwell, the twenty-fifth; the county of Christian, the twenty-sixth; the counties of Warren and Allen, the twenty-seventh; the county of Barren, the twenty-eighth; the counties of Cumberland and Wayne, the

1815.



twenty-ninth; the counties of Green and Adair, the thirtieth; the counties of Lincoln and Rockcastle, the thirty-first; the county of Garrard, the thirty-second; the county of Madison, the thirty-third; and the county of Mercer, the thirty-fourth.

How to ascertain polls.

Sec. 3. *Be it further enacted*, That in order to ascertain the polls, where two or more counties compose a senatorial district, the sheriffs of such counties shall meet at the court-house of the county first named in such district, either in choosing a senator or representative; and in the choice of a representative, where there are two counties, the sheriffs of such counties shall meet at the court-house of the county first named, to compare such representation, on the first Monday after said election shall have commenced, inclusive of the first day of said election; and having ascertained by a faithful comparison and addition, the amount of their respective polls, shall make return of the persons elected, in the manner prescribed by law.

New counties how represented.

Sec. 4. *Be it further enacted*, That if any new county shall be established before the next enumeration and apportionment of representation, it shall be considered as a part or parts of the county or counties from which it was taken, for the purpose of representation.

CHAPTER CCCLXIX.

An ACT for the benefit of William Spiers, and the heirs of Spencer Fletcher, deceased.

Approved February 10, 1816.

The act relinquished the balance of the state price due on their head-right claims, respectively.

CHAPTER CCCLXX.

An ACT for the benefit of the Register of the Land-Office.

Approved February 10, 1816.

Allowance for plat and assignments.

Sec. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That the register of the land-office, shall be, and he is hereby allowed the sum of twenty-five cents for each and every copy of a plat and

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certificate of survey he has made out and recorded, with all and every assignment thereon, according to the provisions of the second and third sections of an act entitled "an act directing an examination of certain entry books, and for other purposes," approved February the 24, 1808.

1815.

Sec. 2. *Be it further enacted*, That the register of the land-office shall be, and he is hereby allowed the sum of five cents, for comparing each and every original plat and certificate of survey, and the assignments thereon, with the record, and making out a complete alphabetical index to the same.

For comparing
plats and
certificates.

Sec. 3. *Be it further enacted*, That the register of the land-office shall be, and he is hereby allowed the sum of one and a half cents per line, for comparing the transcripts of the commissioners' books of 1778 and 1779, with the originals, and making out a complete alphabetical index to the same.

Sec. 4. *Be it further enacted*, That it shall be the duty of the auditor of public accounts, at the instance of the register, when any of the aforesaid works are completed, to liquidate the account, and issue his warrant for the amount of the same to the treasurer, which shall be paid out of any monies not otherwise appropriated or reserved.

For comparing
comm'r's
books.

CHAPTER CCCLXXI.

An ACT for the benefit of Elizabeth Dougherty, and the heirs of William Dougherty, deceased.

Approved February 10, 1816.

William Dougherty had been jailer of Jefferson county, and had paid \$318 for the apprehension of John Lee, a notorious felon, who had escaped from jail: This act authorised the widow to be paid that sum out of the treasury.

CHAPTER CCCLXXII.

An ACT for the relief of Polly Robertson, and the heirs of Thomas Robertson, deceased.

Approved February 10, 1816.

The act released to them the balance of the state price due on their head-right land.

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DECEMBER SESSION,

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CHAPTER CCCLXXIII.

An ACT to amend the law respecting the Town of Maysville, in Mason County.

Approved February 10, 1816.

Trustees may have the river bank walled.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That upon the application in writing of two-thirds of the owners of lots on Water street, in the town of Maysville, in the county of Mason, to the board of trustees of the said town, for that purpose, the said board of trustees shall have power to cause the owners of lots, or parts of lots, on the said street, or such part of them as they may deem expedient, to wall up with stone or brick, or otherwise secure the bank of the river opposite their respective lots, in such way as the said board of trustees may deem best calculated to secure the said bank from washing or falling in.

May pass by-laws to govern the harbor.

SEC. 2. That the said trustees shall have power to pass such laws and ordinances for the regulation and government of the harbor at said town, as they may think advisable, and appoint one or more wharf-masters to enforce the same.

May pave the streets & alleys.

SEC. 3. *Be it further enacted,* That after the next annual election of trustees for the said town, the board of trustees thereof shall have power and authority to make such by-laws and regulations for causing the streets, alleys and footways of said town to be paved, as they may deem expedient.

To organise fire company

SEC. 4. That said trustees shall have power and authority to cause such of the white male inhabitants of the said town as they may think proper, and also such of those inhabitants in the vicinage, who reside between the town lots, as laid off, and Limestone creek, to be enrolled and constituted a fire company, for the management of their fire engine, and the extinguishment of fire; and to make such by-laws and regulations for the government of the said company, as they may deem expedient, and to cause the attendance and assistance of the slaves, free negroes and mulattoes, resident within the bounds of said town, in case of fire.

May cause nuisances to be removed.

SEC. 5. *Be it further enacted,* That the trustees of said town shall have power and authority to cause nuisances to be removed from the streets, alleys and lots of the

said town, from the beach and bank of the river, and the harbor in front of the said town. 1815.

Sec. 6. *Be it further enacted*, That all persons resident within a quarter of a mile of the bounds of the said town, shall hereafter be subject to the rules and regulations prescribed by the board of trustees of the said town, for the government of the market thereof; and shall be compelled to work on the same roads, streets and alleys that the inhabitants of the said town are, and be entitled to the same exemptions from working on other roads. Regulations respecting persons out of town.

Sec. 7. *Be it further enacted*, That the said trustees shall have power and authority to lay a tax on all and every species of visible property, real and personal, in said town, except household and kitchen furniture, not exceeding twelve and a half cents on each hundred dollars value thereof. If any person shall fail or refuse to give in a list of his, her or their property, when called on by the town commissioner therefor, agreeably to the provisions of this act, the said commissioner shall proceed to value the same agreeably to the best information he can obtain. The person or persons failing or refusing to give in a list of their property as aforesaid, shall be liable to triple tax, and a fine not exceeding fifteen dollars, as said trustees may in their discretion determine, recoverable before a justice of the peace, who shall give judgment therefor in the name of said board of trustees. May lay and collect a tax. Penalty for failing or refusing to give list of property.

Sec. 8. The said trustees may impose a tax on any person who for a compensation may exhibit any show or feat in said town, provided the same does not exceed the sum of ten dollars a day for any feat or show. May tax show men.

CHAPTER CCCLXXIV.

An ACT to amend an act entitled "an act concerning certain Attornies."

Approved February 10, 1816.

WHEREAS it is represented to the general assembly of the commonwealth of Kentucky, that a law highly penal in its provisions, now exists in the territory of Indiana, which prohibits the lawyers of this state from Preamble.

1815.

practising in any of the courts of said territory, and the act of this state which was approved February 1808, being found ineffectual to remove the evil that now exists: For remedy whereof,

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That until the said law now in force in said territory, is repealed, no counsellor or attorney, either as attorney at law, in fact, or otherwise, shall be permitted to practice or appear as manager or otherwise to any suit, motion or other legal proceeding, before any magistrate, or any court, criminal, civil or military within this commonwealth, in case said attorney is a practitioner of law in said territory, or resides therein; and every court as aforesaid, or magistrate, permitting the provisions of this act to be violated before them, sitting in their judicial capacity, shall forfeit and pay the sum of one hundred dollars, to be recovered before any court having jurisdiction in like cases, the one half to the use of the informer, and the other to the use of the county wherein said suit is brought; and it shall be the duty of the commonwealth's attorney to see that this act is strictly observed and carried into effect.

Sec. 2. *And be it further enacted*, That if any persons practising law, or residing in said territory, shall so practice in the commonwealth of Kentucky, contrary to the provisions of this act, he or they, for every such offence, shall forfeit and pay the sum of two hundred dollars, recoverable in any court of record in this commonwealth having jurisdiction, one half to the use of the informer, and the other to the use of the commonwealth; and on suit for such penalty, it shall or may be lawful to hold the defendant or defendants to bail.

This act shall commence and be in force from and after the first day of September next.

CHAPTER CCCLXXV.

An ACT for the benefit of Benjamin Williams.

Approved February 10, 1816.

The act released to him the balance of the state price due on his head-right lands.

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CHAPTER CCCLXXVI.

1815.

An ACT for the relief of the heirs of Joseph Dupuy.

Approved February 10, 1816.

The act authorised the appointment of commissioners, with powers to compromise the conflicting land claims.

CHAPTER CCCLXXVII.

An ACT to improve the Navigable Streams in this Commonwealth.

Approved February 10, 1816.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky, That any person or persons who shall erect, or cause to be erected across any river or stream within this commonwealth, which hath been heretofore, or may hereafter be navigable for boats, any fish-dam, slope, stop, wier, or hedge, or any other obstruction to the passage of fish and navigation; or who shall be aiding and assisting in any such obstruction, either by himself, his agent, or servants or slaves; every and any person convicted thereof, shall forfeit and pay the sum of five dollars for every twenty-four hours such obstruction shall remain in such river or stream. Which forfeiture shall be recoverable on motion before any justice of the peace or court of record in this commonwealth, (as may best suit the amount) the one half of which forfeiture shall be for the use of the informer, and the other half shall be by the officer collecting the same deposited with the clerk of the county court of his county, to be by him appropriated to the improvement of the navigable stream or streams in their county: Provided, the party have ten days' notice in writing of the time and place of making such motion: Provided, that nothing in this act contained shall be so construed as to punish any individual for building a dam across any river or creek, for the purpose of working any water grist-mill, or other water-works of public utility, or bridges which has been or may hereafter be erected under any law of this commonwealth.*

Penalty for obstructing navigable streams.

How recovered and applied.

Proviso.

Proviso.

Sec. 2. *Be it further enacted, That every erection or continuance of any obstruction prohibited by this act, for twenty-four hours, shall constitute a distinct offence, and may be proceeded on as such.*

What to constitute a distinct offence

1815. *Sec. 3. Be it further enacted, That any of the penalties imposed by this act, may be recovered by presentment of a grand jury, in any of the circuit courts in this commonwealth.*

Penalties,
how recovered.

Sec. 4. Be it further enacted, That in construing this act, as to whom the penalty shall attach, it shall be so construed as to make the individual or individuals, living nearest to said obstruction, on either and both sides of said stream liable.

To whom the
penalty shall
attach.

Sec. 5. Be it further enacted. That Dick's river, shall be considered a navigable stream from its mouth up to Perkin's mill.

Dick's river
declared a nav-
igable stream

Sec. 6. Be it further enacted, That Samuel Lewis, Alexander Macey and Benjamin Taylor, are, or either of them, is hereby authorised, to clear the Kentucky river, from the steam-mill in Frankfort, to Lee's and Taylor's ware-house, from all obstructions to navigation, either in descending or ascending said river ; and for the furtherance of the object aforesaid, he or they

Comm'rs. to
clear out the
Ky. river near
Frankfort.

Money may
be raised by
subscription.

may raise a sum by subscription, not exceeding six thousand dollars, to be paid when said object shall be effected, according to the declaration of Jephthah Dudley, George Madison, Thomas W. Hawkins, William F. Gray and William Sterling, jun. or a majority of them : Provided, however, that nothing herein contained, shall be so construed, as to authorise the charging of toll, or otherwise taxing any property, boat or raft, that may either ascend or descend said river.

Proviso.

Subscriptions
when & how
collected.

Sec. 7. Be it further enacted, That when said obstructions shall have been removed, and the navigation aforesaid, rendered free and safe, according to the report of the commissioners aforesaid, the said Lewis, Macey and Taylor, or either of them, having first published said report three successive weeks, in some public gazette, may proceed to collect said subscription money, by demanding the same ; and if payment be refused, by warrant or writ, according to the amount of the sum.

Sec. 8. Be it further enacted, That it shall be lawful for the county court of each county in this commonwealth, if they deem it expedient, through or adjoining to which there runs any navigable stream or streams, to lay off said navigable streams into precincts, and appoint

County c'ts
may lay off
navigable
streams into
precincts and

one or more overseer or overseers; whose duty it shall be to cause the several ripples in said navigable stream within their respective precincts, to be cleared out, and the trees and brush to be cut away, which are on the points of islands, or at the bends of said streams; and to enable said overseer to perform the duty assigned him by this act, the county court shall allot to him so many hands living nearest to said stream, from among the male laboring tithables, as in their opinion will be sufficient to clear out the navigation of said stream; who shall be exempt from working on roads during the year they are so allotted to work on the navigable stream. A list of the hands so allotted, shall be made out by the county court, and deposited in the clerk's office; a copy of which list shall be made out by the clerk and delivered by him to the sheriff, and by the sheriff delivered to the overseer, under the rules, regulations and fines now imposed by law, with respect to overseers of roads.

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appoint overseers.

Hands allotted.

List of hands to be made out and delivered to overseers.

Sec. 9. *Be it further enacted*, That persons allotted to work on any navigable stream, who shall fail or refuse to attend, when ordered by the overseer, or who shall refuse to work when directed by the overseer when attending, shall be fined in the like manner, and to the same amount that persons now are directed to be fined by law, for failing to work on highways; the one half of which fine shall be appropriated to clearing out said navigable stream, and the other half to the use of said overseer.

Penalty on persons failing to work.

How collected & appropriated.

Sec. 10. *Be it further enacted*, That where a navigable stream shall be the boundary line between two counties, it shall be the duty of the respective county courts, by an order to be entered up by them, to designate what part of the stream shall be kept in repair by each county, dividing the distance as equally as practicable between them.

Where a navigable stream is the boundary between 2 counties. How to be kept in repair.

Sec. 11. *And be it further enacted*, That the overseers appointed to clear out and keep in repair, the navigable streams, shall be liable to the like fines and to be proceeded against in the same manner, that overseers of roads are now directed to be proceeded against, and fined by law. And to prevent any difficulty about what part of the stream each county shall keep in repair, where it shall be the boundary line,

Overseers, how to be proceeded against.

1815. *Sec. 12. Be it further enacted,* That the county first making the order for laying the same off into precincts, shall elect which end they will take, and shall immediately transmit a copy of their order to the clerk of the court of the adjacent county, designating how far up or down said navigable stream they have extended their precinct, and the other county shall clear out and keep in repair the remainder of said stream, so far as it forms the boundary line between the two counties.
- Sec. 13. Be it further enacted,* That Brashear's creek is hereby declared navigable from its mouth to the mouth of Gist's creek.

Duty of county courts where a navigable stream is the boundary between 2 counties.

Brashear's creek declared navigable.

CHAPTER CCCLXXXVIII.

An ACT appropriating part of the Turnpike Money, to opening the road to Somerset.

Approved February 10, 1816.

Recital. WHEREAS it is represented to the present general assembly, that it would tend greatly to the benefit of travellers to have a road opened from colonel Arthur's, on the wilderness road, to Somerset, in Pulaski county.

Keeper of turnpike road to keep an account of monies received. *Sec. 1. Be it therefore enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall be the duty of the keeper of the turnpike on the said wilderness road, to note in a book to be kept for that purpose, all monies by him received from such waggoners, pack-horsemen or passengers, as may be travelling to or from Saltburg on Cumberland river, or to or from Barbourville; one half of which money shall be appropriated under the direction of the Knox county court, to clear out and repair the road leading from colonel Arthur's to Somerset. And the keeper of the turnpike once in every year, shall make affidavit, before some justice of the peace of all monies by him received as aforesaid; which affidavit he shall transmit to the Knox county court.

County court of Knox to apply half of it to opening road to Somerset.

Sec. 2. And be it further enacted, That the keeper of the turnpike-gate shall keep a true account of all the money he receives of persons going to and from John Gilbert's salt-works, in Clay county, and one half

of said money shall be paid over by said keeper, to the county court of Clay, or their agent; which shall, under the direction of said court, be appropriated to the use and benefit of the road leading from the state-road to the said salt-works; and said keeper shall settle once every year with the agent appointed as aforesaid, and make oath before some justice of the peace for the county of Knox, to the correctness of his account; and after paying over the money as aforesaid, shall take a receipt from the agent for the amount so paid; a copy of which he shall transmit to the county court aforesaid.

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Part of the proceeds of turnpike money applied to opening road to Gilbert's salt works in Clay county.

CHAPTER CCCLXXIX.

An ACT to amend the Laws regulating the Town of Paris.

Approved February 10, 1816.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That the trustees of the town of Paris, and their successors in office, be, and they are hereby authorised to open subscription for any sum of stock, not exceeding twenty thousand dollars, divided into shares of one hundred dollars each, payable in such instalments, and in such manner, as they may deem most proper for the purposes hereafter mentioned.

Trustees may open subscriptions for stock.

SEC. 2. *Be it further enacted,* That so soon as so much stock shall be subscribed as the said trustees shall deem necessary to answer the purposes of this act, the said trustees shall, by advertisement in some public newspaper, or in as many public places as shall be sufficient to give reasonable notice, require a meeting of the stockholders at some convenient time and place; and at such meeting, the said stockholders shall elect a president and four directors of the company hereafter incorporated, to continue in office for one year after the said election, or until successors are duly elected.

Respecting the election of a president and directors

SEC. 3. *Be it further enacted,* That from and after said election, the subscribers of said stock, their successors and assigns, shall be, and they are hereby made a corporation and body politic in law, and in fact, by the

Subscribers incorporated.

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name and style of the President, Directors and Company of the Paris Hydraulic Company ; and shall so continue until the first day of January, in the year one thousand eight hundred and thirty-two ; and by the name and style aforesaid, they are hereby made able and capable in law, to have, purchase, receive, possess, enjoy and retain to themselves, and their successors, lands, tenements, rents, hereditaments, goods, chattels and effects, to an amount, not exceeding their capital stock in the whole ; and the same to sell, grant, demise, alien and dispose of, to sue and be sued, implead and be impleaded, answer and be answered, defend and be defended, in courts of record, or any other place whatever ; and also, to have and use a common seal, and the same to break, alter and renew at pleasure ; and also to ordain, establish and put in execution, and to revise, amend and repeal at pleasure, such by-laws, ordinances and regulations, as shall seem necessary and convenient for the government of the said corporation, ¹⁶ being contrary to law and this act ; and generally do, execute and perform all and singular such acts, matters and things as to them shall or may appertain.

Regulating elections of president and directors.

Sec. 4. *And it further enacted*, That for conducting the affairs of said corporation, there shall be chosen annually, four directors and a president, at the general and annual meeting of the shareholders ; the second election of which said president and directors shall take place, at the end of one year after the first already directed by this act ; and the remaining elections at the end of every year thereafter, at the stated annual meetings : *Provided*, that in case it shall happen that an election of directors and president shall not be made, as by this act directed, the corporation shall not, for that cause be dissolved ; but it shall be lawful on any other day, to hold an election of president and directors, in such manner as shall be directed by the by-laws and ordinances of said corporation ; and the former president and directors shall continue in office until a new election shall take place : and in case of death, resignation or absence from the state, of a director, or being chosen president, his place shall be filled for the remainder of the year, by one elected by a majority of the directors.

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Sec. 5. *Be it further enacted,* That a majority of said directors, either with or without the president, if he shall be absent, may do all the duties, and exercise all the authority assigned them by this act; and they shall have power to appoint one or more managers and clerks, as to them may seem necessary, for executing the business of the corporation, removable at pleasure; and to allow them such compensation for their services respectively, as shall be reasonable.

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A majority of directors may act, appoint officers, &c.

Sec. 6. *Be it further enacted,* That none but stockholders and residents of said town, shall be chosen president and directors; and in voting, the stockholders shall be governed by the following rules, viz. For one share, and not more than two shares, one vote for each; for every two shares above two, and not exceeding ten, one vote; for every four shares above ten, and not exceeding thirty, one vote; for every six shares above thirty, and not exceeding sixty, one vote; and for any number of shares above sixty, seventeen votes: But no person, copartnership or corporation, shall be entitled in his or their own right, to more than seventeen votes; and no share or shares holden for a shorter space of time than three calendar months shall entitle the owner to a vote or votes; all stockholders may vote by proxy, constituted according to the by-laws of said corporation.

Who are eligible as president, and votes regulated.

Sec. 7. *Be it further enacted,* That whensoever there shall be a sum of stock paid in, sufficient in the opinion of the president and directors, to answer the purpose, they shall apply the same to digging a well or wells of water, and to purchasing, procuring and providing machinery, to be moved by the force of steam, or some other suitable power, for the purpose of raising the water from said well or wells, or any spring or fountain which may be chosen, and determined upon by said president and directors, and to extending the same over said town, by proper aqueducts, or to such extent as the interest of the stockholders, and the citizens of said town may require; and the said president and directors with the advice of the shareholders, may apply any extra force of the steam engines employed, or any other power they may use for raising water, to any purpose other than that of raising water, such as manufacturing any ne-

Regulations respecting the application of stock.

1815.	cessary article or articles, which they may deem most proper and profitable.
Toll.	Sec. 8. <i>Be it further enacted</i> , That the said president and directors may, by a reasonable toll for the use of water from the pipes or aqueducts, on any owner or occupier of lots or houses in said town, who may think proper to have suitable pipes erected on, or near the house or lots he or she occupies, to use the water to be proportioned according to the fire-places in each building, or proportioned to the quantity of water he or she may choose to make use of.
Tolls how applied.	Sec. 9. <i>Be it further enacted</i> , That the toll arising on the use of water from the aqueducts of said company, and the profits arising from the use of the power employed in raising the water, after the expences are defrayed, shall constitute the profits and dividends of said company ; and said corporation shall not emit bills of credit, or keep any office of discount and deposit, or employ their capital or funds in banking, under pain of forfeiting this charter, and all profits arising therefrom.
No bank.	
Respecting dividends.	Sec. 10. <i>Be it further enacted</i> , That the president and directors of said corporation, shall declare the dividends of said company, proportioned to the shares of each stockholder, yearly or half yearly, as they by proper by-laws may determine ; and the accounts of said corporation for the years last passed, shall be submitted to the inspection of the stockholders, at each annual meeting ; and to each stockholder, if required, when he may apply for his share of the profits and dividends of said corporation.
Powers of shareholders.	Sec. 11. <i>Be it further enacted</i> , That the shareholders at their annual meeting, shall have power to repeal any ordinance or by-law which shall appear contrary to the interest of said company, if they shall see cause to do so : <i>Provided, however</i> , that a majority of all the votes must be present at such repeal. The said president and directors shall have power to suspend the dividends, and distribute them among other stockholders, of those stockholders, who may make default in payment of any part of their stock, for three successive calendar months or to declare the same forfeited to the corporation, in case of failure of payment for six months together, and they shall by their by-laws direct the mode in which stock shall be transferred.
How dividends suspended, & transfers made.	

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Sec. 12. *Be it further enacted*, That the trustees of the town of Paris, shall be, and they are hereby authorised to dispose of, by way of sale or exchange, to James M'Cormack, or any other person, any part or all of the street in said town called Raw street, and to convey the same accordingly; and receive from said James M'Cormack, or any person to whom they may sell, any lands in exchange, which may make another street, or money, as to them may seem right, to be appropriated to the use of said town.

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Raw street may be disposed of.

Sec. 13. *Be it further enacted*, That the said trustees be, and they are hereby authorised to sell and convey to William Scott, merchant, a part of main cross street, fronting the court-house in said town, including so much as his house, lately purchased of William Caldwell, may cover, and extending back the length of said lot, to Pleasant street; and to receive the compensation therefor, and appropriate it to the use of the town: *Provided, however*, that nothing in this act contained shall be so construed as to compel the said trustees to part with any part of their streets, by way of exchange or sale, if they shall be of opinion that the interest of the town, and the citizens thereof, do not require it.

Main cross street may be sold.

Sec. 14. *Be it further enacted*, That the trustees of said town be, and they are hereby authorised, under such rules, by-laws and regulations as they may prescribe, to raise by way of lottery any sum not exceeding two thousand dollars, to be appropriated to the purpose of procuring good water for the use of the citizens of said town; or the fund so raised, may, at the discretion of said trustees, be subscribed as stock in behalf of the town, to the corporation created by this act.

Lottery,

CHAPTER CCCLXXX.

An ACT increasing the powers of the Trustees of the Town of Georgetown, and for other purposes.

Approved February 10, 1816.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That the trustees of Georgetown, and their successors, shall be, and are hereby authorised to commence suit in chancery, in the circuit

Trustees of Georgetown authorised to bring suit to

1815. court of Scott county, for the purpose of establishing the boundaries of said town; in which suit all the heirs of Elijah Craig, deceased, (the original proprietor of said town) and all persons owning lands adjoining thereto, shall be made defendants.

Sec. 2. *Be it further enacted*, That the complainants shall state in their bill the boundaries for which they contend, embracing all the lots, together with all streets, alleys and commons attached thereto, as the same were laid off previous to the 15th of December 1804; and the said court shall cause an accurate survey of said town to be made by the surveyor of Scott county.

Sec. 3. *Be it further enacted*, That on taking depositions, reasonable notice is all that shall be required; and it shall be sufficient on behalf of the complainants, for the notices to be signed by their chairman; and the serving of notices on behalf of the defendants shall be valid, when served on the said chairman.

Sec. 4. *Be it further enacted*, That said court shall have power, during the pendency of said suit, to pronounce any interlocutory decree that may be necessary; and on a final hearing, to pronounce such decree, fixing the true boundaries of such town, as to them shall appear just, according to the intention of the original proprietor, at the times when the town was originally laid off, and when the additional lots were added.

Sec. 5. *Be it further enacted*, That the said suit shall not abate, or the proceedings be delayed by the death, resignation, removal or expiration of office of any one or all of the said trustees; but the same shall be revived and continued in the names of the successors of those who shall have caused the suit to be instituted, until a final decree is pronounced.

Sec. 6. *Be it further enacted*. That when the circuit court shall have pronounced a final decree, fixing the boundaries of said town, the boundaries so fixed shall be considered the true boundaries of Georgetown; and the said trustees shall cause a fair plat of said town, as approved by the said court, to be recorded in the office of the clerk of the county court of Scott; certified copies of which shall be admitted as evidence in any future contest respecting the boundaries of said town, or any part thereof. The said trustees shall also cause a fair

establish the boundaries of said town.

Boundaries to be stated in the bill.

Notice to take depositions.

Power of the court.

Suit not to abate.

Plat of said town to be made pursuant to the decree.

To be recorded.

copy of said plat and decree to be recorded among the records and proceedings of their board.

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Sec. 7. *Be it further enacted*, That when the boundaries of said town are thus established, if it should be found that there is within said boundaries any ground that has not been laid off into lots, streets or alleys, or that being so laid off into lots, shall not have been regularly laid down and numbered on the plat of said town, it shall be lawful for said trustees to lay off said ground into lots, or to preserve the same for commons, as to them shall seem best.

Ground to be
laid off into
lots, &c.

Sec. 8. *Be it further enacted*, That the expences of said suit shall be paid by said trustees, out of the fund ^{Costs of suit,} raised in said town by taxation: *Provided, however,* ^{how paid.} that if any person shall set up any defence, and shall not succeed therein, such person shall pay all costs occasioned thereby. ^{Proviso.}

Sec. 9. *Be it further enacted*, That the said trustees, and their successors, shall have power to increase the tax which by law they are authorised to levy on the inhabitants and property of said town, to any amount not exceeding ——— annually, on each white male above twenty years of age, and not exceeding one fourth per cent. on the valuation of property. ^{Trustees may increase tax of said town.}

Sec. 10. *Be it further enacted*, That when three-fourths of the owners of lots on any side of any street in said town shall agree to pave the side-walk of said street, to any given extent, the trustees shall have power to compel all the owners of said lots to pave with good sound well burnt bricks, of the usual size, the side-walk in front of their respective lots, agreeable to the custom that is or may be established by said trustees, under such regulations as they shall from time to time establish; and in case any of the owners of said lots, or any of them, shall fail or refuse so to pave the said side-walk in front of their lots, the said trustees shall cause the same to be done, at the expence of the said owners of lots; which expence shall be levied on the property of, and collected from the person or persons so failing or refusing, in like manner as other monies may or can by law be levied and collected from the inhabitants of said town for any other purpose. ^{Footways may be paved.}

Sec. 11. *Be it further enacted*, That when three-fourths of the owners of lots in said town, on both sides of any ^{Streets may be paved.}

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street, shall in like manner agree to pave with stone, such parts of said street as are situate between the side-walks, the trustees of said town shall have power to compel all the owners of lots as aforesaid to pave the same; and on their failing or refusing so do to, the said trustees shall have the same power to have the same done at the expence of the owners, and to enforce the collection of the expence from the said owners of lots, as is given by the preceeding section, for paving the side-walks on the fronts of lots.

County court
to cause the
streets adjoining
the public
ground to be
paved.

Sec. 12. *Be it further enacted*, That when the trustees of said town shall agree to pave the one half of any street adjoining the public ground, so far as the public ground shall extend, the county court of Scott shall cause the half of said street adjoining the public ground, and including the side-walk, to be paved in like manner; and levy the expence thereof on the titheables of their county.

A lottery au-
thorised to
procure a fire
engine.

Sec. 13. *Be it further enacted*, That the trustees of said town shall have power to raise, by way of lottery, in one or more classes, if to them it should seem advisable, any sum of money not exceeding two thousand dollars, to be appropriated to the purchasing of a fire engine, and to the paving the streets in said town.

Owners of
houses to pro-
cure fire buc-
kets.

Sec. 14. *Be it further enacted*, That the trustees of said town shall have power to compel the owners of houses and lots in said town to procure, each, one or more suitable fire-buckets, according to the value of their respective houses and lots; and to make such regulations for the preservation and safe and convenient deposit of said fire buckets, as to them shall seem just; and on such owners, or any of them, failing or refusing to furnish said fire bucket or buckets, said trustees shall have power to procure the same, at the expence of such owner or owners of houses and lots; which expence shall be levied and collected from such owner or owners so failing or refusing, in like manner as other monies may or can be by law levied and collected from the inhabitants of said town for any other purpose.

An act author-
ising a lotte-
ry for the be-
nefit of the
Warren semi-
nary, revived

Sec. 15. *Be it further enacted*, That the second section of the act entitled "an act concerning the seminary of Warren county, and authorising a lottery for the benefit of said institution," approved the first day of February 1813, shall be, and the same is hereby revived and continued in force, under the terms and stipulations therein contained.

CHAPTER CCCLXXXI.

1815.

An ACT for the relief of the Sheriff of Breckenridge County and others.

Approved February 10, 1816.

The relief was temporary, and consisted principally in giving them longer time to return their delinquent lists.

CHAPTER CCCLXXXII.

An ACT for the benefit of the Breckenridge Seminary, and to allow a further time to survey certain Seminary Lands.

Approved February 10, 1816.

WHEREAS it is represented to the present general assembly, that no trustees have heretofore been appointed for the Breckenridge seminary lands:

Sec. 1. *Be it therefore enacted by the General Assembly of the Commonwealth of Kentucky, That Joseph Allen and John P. Oldham, of Hardinsburg, be, and they are hereby appointed trustees, with full power and authority to sell and convey the said lands, and appropriate the proceeds of such sales in the manner prescribed by an act passed the last session of the general assembly of this state, authorising the trustees of seminaries to sell their seminary lands, with the further privilege of vesting the proceeds of such sales in the purchase of stock of any bank which now is, or hereafter may be incorporated by the legislature of this state.*

Sec. 2. *Be it further enacted, That the further time of two years be given to survey the donation lands for the several seminaries in this commonwealth.*

CHAPTER CCCLXXXIII.

An ACT to settle the Boundary Line between this State and the State of Tennessee.

Approved February 10, 1816.

WHEREAS a dispute exists as to the true position of the boundary line between this state and the state of Tennessee, which has produced many attempts at accommodation, hitherto unsuccessful; and the state of

Preamble.

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Tennessee, by an act of its legislature, passed on the 17th day of November 1815, has appointed a commissioner to wait on the constituted authorities of this state, and adopted the principles for adjusting the said boundary line; and although this state cannot meet every proposition contained in the said recited act, and pass one on the part of this state in all respects similar; because, first, the establishment of Walker's line (as it is usually called) would not determine the whole extent of boundary between the two states; and secondly, because this legislature is forbidden by our own constitution, to form any compact with a sister state, or do any other thing within the purview of legislative authority, which might take from individuals a right of property in lands near the contemplated line, without previously paying the claimants a compensation therefor: Yet, the legislature of this state being willing to keep open the door of accommodation and adjustment, and feeling desirous that mutual harmony between the two states should not be molested by a territorial controversy, do propose the following terms:

Lines pointed
out & es-
tablished.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the line usually called Walker's line, so far as it was originally run and marked, to wit: From a point near the mouth of Obed's, alias Aba's river, to the Tennessee river, be the true jurisdictional line between this state and the state of Tennessee. And as to the residue of the line between the two states, the following shall be adopted as the true position thereof: At the eastern extremity of Walker's line, near the mouth of Obed's river aforesaid, a line shall be run at right angles, either north or south, as the case may require, till it reaches the true chartered limits of the two states, in the latitude of thirty-six degrees and thirty minutes north; and from that point the line shall be extended to the east, still keeping the same latitude, till it reaches the eastern boundary of this state. And at the west extremity of Walker's line, to wit, at the Tennessee river, a line shall be extended up or down said river (as the case may require) till it reaches the true chartered latitude of thirty-six degrees and thirty minutes north; and from that point the line shall be extended due west, still keeping the same latitude, till it reaches the river Mississippi. And the line so pointed

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out by this act, shall be, and remain the true jurisdictional line between this state and the state of Tennessee: *Provided*, the following articles, conditions and stipulations hereby adopted on behalf of this state, are acceded to on the part of the state of Tennessee, to wit:

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Proviso.

First.—The lines so pointed out, shall be marked or re-marked, and well cleared, at the joint expence of each state, by two commissioners, attended with proper surveyors, chainmen, markers and laborers. And one of said commissioners shall be appointed by each state. And in running that part of the line called Walker's line, the commissioners shall be governed by the old marks, if they can be found, or the most notorions places of the line, as now acknowledged, still making the line as straight as can be practicable, if the old line shall be found to be crooked.

Lines to be ascertained & marked at the joint expence of both states.

Com'rs. how to be governed in running lines, &c.

Second.—The true chartered limits between the two states, shall be run on that part now supplied by Walker's line, and marked in numerous places, so that hereafter it may be found with ease and convenience, and may furnish evidence of the situation of claims, when they shall be adjusted as hereafter directed.

Second article.

Third.—If the true chartered limits in that part of the line supplied by Walker's line, shall turn out to be north of Walker's line, and encroach on what is now under the jurisdiction of Kentucky, and any fair connected titles to land derived under the laws of the states of North-Carolina or Tennessee, completed by patent from the proper authority, shall appear between Walker's line and the true chartered line, and shall interfere with any title, or cover any occupant, holding title under the laws of this state or the state of Virginia, the claimants, at their option, may relinquish such claim, and be entitled to compensation for the value thereof, from the state of Kentucky, ascertained in a manner pointed out by this act; or such claimants may take any remedy to recover the land, which may be most proper for their case. And if, on the contrary, the true chartered limits shall be south of Walker's line, and include a portion of the land now under the jurisdiction of the state of Tennessee, and any fair connected titles to land, derived under the laws of the states of Virginia or Kentucky, completed by patent from the proper authority, shall appear between Walker's line and the true chartered line,

Third article.

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and shall interfere with any title, or cover any occupant holding title under the laws of the states of North-Carolina or Tennessee, the claimants, at their option, may relinquish such claim, and be entitled to compensation for the value thereof, from the state of Tennessee, ascertained in the manner pointed out by a stipulation between the two states; or such claimants may take any remedy to recover the land, which may be most proper for their case.

Fourth article.

Fourth.—If any claimant holding title under one state, shall not elect to take compensation for the land, according to the next preceding article, and shall by any suit in law or equity, recover the land from any occupant holding title under the laws of the other state, he shall be compelled, in a mode pointed out by the laws governing such court where the recovery may be had, to compensate the occupant for his improvements on the land, according to their intrinsic value, without any deduction for rents or waste; and for such compensation the occupant shall have a lien on the land so recovered; and shall not be disturbed in the possession thereof, till the compensation, legally ascertained, shall be paid to such occupant.

Fifth article.

Fifth.—If any claim for land shall fall between Walker's line and the true chartered limits, and shall come under the jurisdiction, by this arrangement, of the state from which such title did not originate, and shall not be patented when the line is thus settled, and shall interfere with a title derived from the state to whom the jurisdiction shall be assigned by this compact, no patent shall ever issue therefor; and all patents issued contrary to this article shall be void.

Sixth article.

Sixth.—If in the territory ceded by this compact, there shall exist any claim between Walker's line and the true chartered limits, which claim shall be regularly derived, under the laws of either state, or the parent states, and shall not interfere with any other claimant, but shall be on land vacant as to other claims, the same shall be, and is hereby ratified; and if not completed by patent, provision shall be made by the state into whose jurisdiction it may fall, to complete the title by the emanation of the grant.

Seventh article.

Seventh.—And whereas it is believed that many claims granted for actual settlement under the laws adopted by

the state of Kentucky, since its separation from Virginia, were granted contrary to the true intent and meaning of said laws, without any actual *bona fide* settlement; and that some of them are laid south of what is actually Walker's line; and it is also believed that many removed certificates under the laws of the commonwealth of Kentucky, originally granted for actual settlement, have been removed and located for speculative purposes, south of Walker's line: Now it is hereby declared, that such claims, where they interfere with any claims derived under the laws of North-Carolina and Tennessee, south of Walker's line, are not aided by the provisions of this act; and that the owners of such claims shall not be entitled to any compensation under this compact, provided they fall within the ceded territory; nor shall the state of Tennessee be bound to allow patents to emanate for such claims, unless they are entered on land entirely vacant.

1815.

Eighth.—If any claimant between Walker's line and the true chartered limits, shall choose to relinquish his claim, according to the first article of this compact, he may produce authenticated copies of his title papers to any court of general jurisdiction of matters of law and equity, in the state of Kentucky, which may hold its sessions nearest the lands so to be relinquished; and also to some court of the state of Tennessee, which may possess general jurisdiction of matters of law and equity, and which may hold its sessions nearest the lands so to be relinquished; and said courts shall each appoint some discreet person to act as commissioner to value said lands so to be relinquished, if the claim shall come within this act; and said two commissioners shall proceed to appoint and associate with them one other commissioner; and the three being duly sworn before some judge or justice of the peace, well and truly to value the land so relinquished, according to the best of their skill and judgment, without partiality or favor to either party, and without regard to any improvements which may have been made thereon, shall proceed to value said lands, and certify the same under their hands and seals; and on producing said valuation to the court appointing the commissioner, in the state where the land lies, and also producing a certified copy of the relinquishment of said land, according to the laws of that state where the

Eighth article.

1815.

land may then be, the court shall order the value thereof, so ascertained by commissioners, to be certified, and the same shall be paid out of the public treasury of the state in which the land may be situated.

Governor to proceed to appoint a com'r. upon the ratification of the foregoing articles by the state of Tennessee. His compensation.

And that of the surveyor.

Comm'rs. to take an oath.

Compensation to chain carriers, laborers, &c.

How paid.

Contingent expences raised to defray expences.

Chain carriers to be sworn.

Declaration in case of a refusal of the state of Tennessee to accede to the foregoing propositions

Sec. 2. *Be it further enacted*, That if the state of Tennessee shall pass a law at or before the next stated session of their legislature, similar in all respects to this act, the governor of this state shall proceed to appoint a fit person as commissioner, to run and ascertain the position of the lines directed to be run by this act; who shall receive for his services, five dollars per day, during the time he shall be necessarily employed in running the lines aforesaid, and five dollars per day, for every twenty-five miles he may necessarily travel in going to and returning from the lines aforesaid. The surveyor or surveyors, if any are employed on the part of this state, shall each receive for his or their services five dollars for each day, he or they may be actually employed in running the lines aforesaid. And said commissioner shall take an oath, well and truly to execute all the duties assigned him by this act, to the best of his skill and judgment, and to render a true account thereof; and his services certified by the governor, shall be paid out of the public treasury, by virtue of a warrant from the auditor of public accounts. Each laborer and chain carrier, employed on behalf of this state, shall receive as a compensation for his services, three dollars per day, to be paid by the commissioner, out of any funds which may be placed in his hands by the governor of this state, for that purpose. And the governor of this state shall have at his disposal, to be drawn from the treasury at his order, two thousand dollars, to be paid in contingent expences, for the purposes aforesaid. Each chain carrier shall be sworn by the commissioners, or one of them, well and truly to carry the chain, and render a true account of the distance. But if the state of Tennessee shall refuse to pass an act, similar in its provisions, this act shall cease to operate, and have no force and effect; nor shall any fact or concession therein be binding or obligatory upon the state of Kentucky, in any future discussion of the said boundary line, whether that discussion be legislative or judicial.

CHAPTER CCCLXXXIV.

1815.

An ACT to provide for the building a Black-Smith's Shop within the walls of the Penitentiary.

Approved February 10, 1816.

CHAPTER CCCLXXXV.

An ACT to compel the attendance of Justices of the Peace at the Court of Claims.

Approved February 10, 1816.

WHEREAS it is represented to the present general assembly, that great inconvenience and much injury results from the justices of the peace in this commonwealth not attending the court of claims, to levy the several county levies in this commonwealth: Wherefore,

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be the duty of each and every justice of the peace in this commonwealth, to attend the court of claims, and continue to sit and adjourn from day to day, until the business of said term is finished in their several counties respectively; and upon failure thereof, it shall be the duty of the clerk of the said court, to note the absentee or absentees, and make return of them to the next court for said county; which court shall direct a summons to issue requiring the said absentee or absentees, to appear at the next court and shew cause, if any they can, why they did not attend said court of claims; and upon failure to shew good cause, the court shall order a fine not less than five, nor more than twenty dollars, to be entered against the said defaulter or defaulters; which fine shall be collected in the same manner as other fines are now collected by law, and appropriated to the lessening the county levy

Preamble.
Duty of justices of the peace to attend court of claims.

Penalty for failure, and how recovered & applied.

CHAPTER CCCLXXXVI.

An ACT to fix the amount of Revenue to be collected in the year 1816.

Approved February 10, 1816.

Had its effect;

DECEMBER SESSION,

1815.

CHAPTER CCCLXXXVII.

An ACT for the benefit of the Heirs of Stephen Hanna, deceased.

Approved February 10, 1816.

The act appointed commissioners to sell a tract of land descended to them.

CHAPTER CCCLXXXVIII.

An ACT to amend the act entitled "an act establishing the Town of Covington, at the mouth of Licking River."

Approved February 10, 1816.

WHEREAS by an act of the general assembly, entitled an act establishing the town of Covington, at the mouth of Licking river, approved the seventh day of February, 1815, trustees were appointed, and directed to do certain acts, at the discretion and direction of the proprietors of said town; and by the death of Richard M. Gano, one of the proprietors, the direction and assent of all the proprietors cannot be had, the children of the said Gano being infants: For remedy whereof,

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That the trustees of said town, constituted by said recited act, shall upon the order, direction or assent of the surviving proprietors, do any act or thing, in as full and ample a manner, as if said Richard M. Gano was living, and assenting to the same; and they shall execute any conveyance or conveyances by said act directed, on the production of the receipt of the survivors, in as complete and ample a manner, as they could have done, under the said act on the order or receipt of all the proprietors.

CHAPTER CCCLXXXIX.

An ACT for the relief of the Heirs of William Sampson, deceased.

Approved February 10, 1816.

He had volunteered in the expedition to Canada, under governor Shelby, and died in the service: This act gave a land warrant of 100 acres to each of his ten children.

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CHAPTER CCCXC.

1815.

An ACT for the relief of the Sheriff of Bullitt County.

Approved February 10, 1816.

The act gave him three months to finish his collections, and pay the money into the treasury.

CHAPTER CCCXCI.

An ACT to incorporate the Fayette Paper Manufacturing Company.

Approved February 10, 1816.

WHEREAS it is represented to the present general Preamble.
assembly, that a paper manufactory has been erected in
the county of Fayette, on the waters of Wolf run, and
upon ninety-six acres of land, for the purpose of manu-
facturing paper by steam, with the ultimate view of
working in cotton and wool, at the expence of forty
thousand dollars to the present proprietors ; and where-
as, the present proprietors wish to be placed on an
equal footing with other manufacturing establishments
in this commonwealth, and solicit an act of incorpora-
tion : Therefore,

Sec. 1. *Be it enacted by the General Assembly of the* Who to com-
Commonwealth of Kentucky. That William S. Dallam, pose the cor-
Luther Stephens and Hallet M. Winslow, Daniel Bry- poration.
an, Thomas January and William Roman, the present
proprietors of said establishment, together with all
such persons as shall hereafter become shareholders, in
the manner hereinafter directed, shall be, and are here-
by erected into a corporation and body politic, by the
name, style and title of the "Fayette Paper Manufac- Style thereof
ting Company ;" and shall so continue until the first
day of January, in the year, one thousand eight hun- First January
dred and thirty-five ; and by that name, style and title, 1835.
are hereby made able and capable in law, to have, hold,
purchase, receive, possess, enjoy, and to retain to them
and their successors, land, rents, tenements, heredita-
ments, goods, chattels and effects, of what kind, nature Powers of
or quality soever, to an amount not exceeding their cap- corporation.
ital stock ; and the same to sell, grant, demise, alien
or dispose of, and to sue and be sued, plead and be im-

1815.



Individual
property lia-
ble for debts.

Who may sub-
scribe, &c.

Each share
\$100, paya-
ble in what.

Who may re-
ceive sub-
scriptions, &c.

pleaded, answer and be answered, defend and be defended, in any court of law or equity, or in any other place whatsoever ; and also, to make, have and use a common seal, and the same to break, alter or renew at their pleasure ; and also, to make, ordain, establish and put into execution such by-laws, ordinances and regulations, as shall seem to them necessary and convenient for the government of said corporation, and which are not contrary to law ; and generally to do and execute all, and singular the acts, matters and things, which to them, it shall or may appertain to do ; subject, nevertheless, to the rules, regulations, restrictions and limitations herein-after prescribed : *Provided, however,* that the estate and property of all and every individual shareholder, who holds or possesses stock in said corporation, shall at all times be liable and subject in law, in proportion to his or her interest therein, to pay and satisfy all debts and demands, contracted by said corporation, during the time he or they held stock therein, upon a failure of the incorporate funds to discharge the same.

Sec. 2. It shall be lawful for any person, copartnership, or body politic, to subscribe for, or purchase at public auction, such or so many shares, as he, she or they may think fit, under the regulations hereinafter prescribed or authorised, until the number subscribed or purchased, together with the sums already expended, laid out or engaged by the present proprietors, shall amount to one hundred shares.

Sec. 3. Each share shall be one thousand dollars, payable in notes, negotiable at the Bank of Kentucky or either of its branches, or at the office of the Kentucky Insurance Company, one half at six months, and the residue at twelve months after date, with approved endorsers. In case any subscriber, or purchaser at auction, shall fail to pay the amount of his, her or their note or notes, when the same becomes due, the deficiency may be recovered of the delinquent and their endorser or endorsers by suit.

Sec. 4. Subscriptions for shares in the said corporation, may be received by William S. Dallam, Luther Stephens and Hallet M. Winslow, Daniel Bryan, Thomas January and William Roman, or sold by them at public auction, after at least two weeks notice in one of the public newspapers in Lexington, if requested by a

XXIV. YEAR OF THE COMMONWEALTH.

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majority of the owners of two thirds of the then stock, until the first meeting of the shareholders, under this act; a majority of at least two thirds shall then designate the persons to receive subscriptions, or sell stock under the regulations which the said shareholders, or a majority of two thirds of the owners of the stock, shall then make.

1815.

Sec. 5. The shareholders shall meet for the purpose of electing a president and two directors, at the paper-mill of the said company, on the second Monday in February next, and on the same day in every year thereafter, for the same purpose; of which appointment, fourteen days notice shall be given in one of the Lexington newspapers. The president and directors shall continue in office one year from the time of their election; and in case it shall at any time happen, that an election of president and directors should not be made at the time required by this act, the said corporation shall not for that cause, be deemed dissolved, but it shall be lawful for the president and directors who were last in office, to continue as such until there is a new election; and it shall be their duty, in the manner which shall be regulated by the by-laws, to appoint another day for electing a president and directors to serve for the remainder of the year, and in the event of the death, resignation or removal from the state, or refusal to act, of a president or director, his place may be supplied by a new election, specially convened for that purpose.

Shareholders
to elect president,
&c.

How long to
continue in
office, & regulations of
elections.

Sec. 6. The president and one director, or two directors, in the absence of the president, shall form a board, and the president or two directors, in his absence, shall at any time, have power to call a general meeting of the shareholders.

Number to
form a board.

Sec. 7. The president and directors, for the time being, shall have power to appoint or employ, such managers, mechanics, clerks or servants, as they may think necessary for the business of said corporation, and to allow them respectively, such compensation for their services, as they may deem proper, and to require security for the upright discharge of their several functions and trusts; and shall be capable of exercising such other powers and authorities for the well governing and ordering the affairs of the said corporation, as shall be

Man's clerk,
&c. how appointed, com-
pensation, &c.

1815. described and determined by the laws and ordinances of the same.
- Relative to transfers. Sec. 8. The shares in said company shall be transferable under such regulations as may be provided by the laws of said corporation.
- Votes, how regulated. Sec. 9. The number of votes to which each shareholder may be entitled to at a general meeting, shall be according to the number of shares he may hold, in the proportions following, that is to say : For one share, and not more than two shares, one vote ; for every two shares above two, and not exceeding ten, one vote ; for every five shares above ten, one vote ; but no person, copartnership or body politic, shall be entitled to a greater number than thirty votes ; neither shall any person or proxy be entitled to more than thirty votes ; nor shall any shareholder be entitled to vote in person or by proxy, on any share or shares held and owned less than six months.
- Accounts to be laid before shareholders. Sec. 10. At the annual general meetings, the president and directors shall lay before the shareholders a statement of the accounts, with such other information as they may think necessary, when such dividend of the profits shall be declared as the president shall think advisable.
- Sec. 11. The lands held and owned by the said corporation, shall not exceed one hundred acres.
- Wool & cotton may be manufactured. Sec. 12. The said corporation shall have power to manufacture cotton and wool.
- The whole stock to be employed exclusively in manufacturing. Sec. 13. *And be it further enacted*, That it shall be the duty of the said corporation, and they are hereby expressly enjoined and required to invest, appropriate and employ the full amount of the capital stock aforesaid, in the establishment of the manufactories hereby authorized, and the purchase or procurement of the raw materials to be employed in the manufactories contemplated by this act ; and such capital stock exclusively to invest, appropriate and employ in promoting the manufacturing objects of the said corporation as aforesaid ; and at no time, and on no occasion whatever, to divert from this its legitimate object, any portion of the said capital, or to appropriate or employ any part thereof whatsoever to banking purposes, under pain of forfeiting entirely this charter, and all and every advantage and privilege hereby conferred. And moreover the legisla-
- No bank.
- Charter may be repealed.

ture shall at all times have power to repeal this act, for any violation of the true intent and meaning of any part of the prohibitions herein contained.

1815.

CHAPTER CCCXCH.

An ACT for the distribution of Bibb's Reports.

Approved February 10, 1816.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be the duty of the secretary of state, to deliver to each judge of the court of appeals, and each circuit judge of this commonwealth, one copy of the Reports of the Court of Appeals by George M. Bibb, Esq. and to send one copy thereof to the clerk of the court of appeals, of the general court, of the United States' circuit court for the Kentucky district, and of each circuit and county court of this commonwealth, to be kept by the said clerks respectively, for the use of the said courts. It shall be the duty of the said clerks respectively, to keep the said books in their office for the use of the said courts, and subject to the examination of others who may wish to examine any particular case therein; and the said clerks shall be failable, at the discretion of their respective courts, if any of the said copies are mislaid, abused or written in, except that it shall be the duty of each clerk to write on one of the blank leaves, as follows: "For the use of the ——— court;" the blank to be filled up by him with the name of the county; and the clerks of the courts of general jurisdiction, shall, instead thereof, write as aforesaid, for the use of the court of which they are clerks, by its legitimate name. And the said secretary shall write in each volume, before he delivers it, the words, "Property of the commonwealth of Kentucky," and subscribe his name. And every volume delivered to any of the said judges, shall be by him delivered over to his successor in office, whenever he ceases to be a judge.

DECEMBER SESSION,

CHAPTER CCCXIII.

1815.

An ACT for the benefit of Walter Hamilton, former Deputy Sheriff of Washington County.

Approved February 10, 1816.

The list of lands sold by him for the taxes in 1810 and 1811, had not been recorded: This act authorised a list to be returned and recorded within two months, and released him and his principal from all penalties incurred.

CHAPTER CCCXCIV.

An ACT to amend the several acts concerning the Town of Shelbyville.

Approved February 10, 1816.

Trustees may levy tax. *SEC. 1. BE it enacted by the General Assembly of the Commonwealth of Kentucky, That the trustees of the town of Shelbyville, shall be, and they are hereby authorised to levy on the inhabitants and the taxable property, any sum not exceeding two hundred dollars, in addition to the sum now authorised by law, in the same manner, and to be collected as now directed by law, to enable the said trustees to keep the streets and alleys of said town in repair.*

Inhabitants may work or furnish hands *SEC. 2. Be it further enacted, That any of the inhabitants of said town, shall have liberty to work, or furnish hands to work on the streets of said town, under the directions of the surveyors of the streets, at such prices as they shall be authorised to allow by the trustees, to the amount of their tax hereby authorised to be levied.*

Surveyors to be appointed, & their duties *SEC. 3. Be it further enacted, That the trustees shall appoint one or more persons, as surveyors of the streets and alleys in said town, and on the road east of said town, to the bridge over Clear creek; who shall keep the same in repair, and be liable to such fine or fines for failure therein, as the trustees by their order may ordain, not exceeding ten dollars for any one offence; and the trustees shall have power to make and ordain such by-laws, rules and regulations, for cleaning and repairing the streets of said town, as to them shall be thought necessary, and by their order to affix a fine or fines on any person or persons for obstructing the streets or keeping or throwing any noxious substance therein.*

Sec. 4. *Be it further enacted*, That the collectors of the tax for the town of Shelbyville, shall have power, when personal property cannot be had, to sell at public sale, the lot or lots, or so much thereof as shall be sufficient, of any person or persons, for the tax due and authorised to be collected in said town : *Provided*, the collectors shall give four weeks notice in some public newspaper printed in said town, or at Frankfort, of the time and day of sale, with the numbers of said lots : *Provided also*, that the owner or owners of any lot, or parts of lot, that may be sold under the provisions of this act, shall have twelve months to redeem the same, by paying to the purchaser one hundred per cent. on the purchase money.

1815.

Powers of collectors.

Redemption.

Sec. 5. *Be it further enacted*, That under the act approved January 19th, 1815, authorising the trustees of said town to cause their streets to be paved, when three-fourths of the owners of lots on any one square, on either or both sides of the street, shall petition the trustees to pave, and the balance shall fail or refuse to pave, the trustees shall cause the streets to be paved, as directed by the before recited act; and have the same power to collect the amount, as is directed by this act to collect the taxes of said town.

Streets to be paved.

Sec. 6. *Be it further enacted*, That the power of the county court of Shelby, to appoint overseers or surveyors of the streets of said town, shall be, and the same is hereby repealed; but the liability of the surveyor of the streets, appointed by the trustees, to be presented by the grand jury of said county, for failing to keep the same in repair, shall not be impaired by this act.

Power of the county court repealed.

Liability of surveyor not impaired.

CHAPTER CCCXCV.

An ACT for founding and establishing a Public Hospital in Fayette County.

Approved February 10, 1816.

WHEREAS it is represented to this general assembly, that in the county of Fayette, there is a charitable disposition in the inhabitants thereof, to contribute largely towards erecting a suitable building, at their own expence, for the accommodation of lunatics, and other distempered and sick poor of said county, wherein

Preamble:

1815.

they might be properly subsisted, and afforded sufficient accommodation in attendance, lodging, diet, medicines and regular advice necessary for their comfort and restoration : And it is deemed proper to the completion of so beneficent an institution, that such contributions should be incorporated with proper powers and privileges for carrying on and completing the same : Therefore, for the encouragement of so useful and charitable a design,

Subscribers
to elect man-
agers.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall and may be lawful for the persons subscribing towards founding an hospital in the county of Fayette, for the reception and relief of lunatics, and other sick and distempered poor persons, or as many of them as may think fit, to meet on the first day of March next, or so soon as their subscription shall have amounted to four thousand dollars, and elect five fit and suitable persons from their own number, who shall be authorised to purchase within the limits of the jurisdiction of the trustees of the town of Lexington, or contiguous thereto, a lot or piece of ground, on which to erect the building aforesaid, not to exceed ten acres, and to contract for the building of the same. And it shall be lawful for the original, and those who may hereafter become contributors, or as many of them as may think fit, to meet on the first Monday in March yearly, at the hospital; then and there to elect by ballot, twelve fit persons from their own number, to be managers of said hospital: one other person to be treasurer of the same, and a clerk, until the next election; and farther, to make such laws, rules and regulations for the well governing, ordering and regulating the said hospital, and for the regulation of the future elections of managers, treasurer and other necessary officers thereof, as may to them, or a major part of them, appear to be good, useful and necessary; as well to determine the number, trust and authority of their managers, and generally for the well ordering all things concerning the government, estate, goods, lands, revenue, and all the business and affairs of the said hospital, provided they be not repugnant to the laws of this state nor of the United States. And the said contributors shall be, and are hereby made a body corporate in law, to all intents and purposes; and shall have perpetual

Annual meet-
ing for elect-
ing managers
&c.

To make by-
laws.

Proviso.

Incorporation,
&c.

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succession, and may sue and be sued, plead or be impleaded, by the name of "The Contributors to the Fayette Hospital," in all courts of judicature in this commonwealth; and by that name may and shall receive and take any lands, tenements, hereditaments, of the gift, alienation, bequest or devise of any person or persons whomsoever, and of any goods or chattels whatsoever; and the said contributors are hereby empowered to have and use one common seal in their affairs, and the same at their pleasure to change and alter: *Provided*, that in case of any devise, gift or donation of any lands or tenements as aforesaid, the contributors of the Fayette hospital shall dispose of the same at public or private sale, as to them may seem most conducive to the interest of the said hospital, within five years from the time of donation; and to invest the proceeds of the sales of said land in bank stock in any bank within this commonwealth, for the benefit of said hospital: *And provided, moreover*, that if the lands so devised, granted or conveyed, shall not be sold as above directed, within the term of five years as aforesaid, the said devise, gift or donation shall be, and the same is hereby declared null and void: *And provided also*, that whenever the annual proceeds of the bank stock so purchased as aforesaid, shall amount to ten thousand dollars, the said contributors to the Fayette hospital, shall be and remain incapable of receiving or holding any gift, grant or devise, in any manner whatever: *Provided, nevertheless*, that the said corporation may hold fifty acres of any land which may be acquired in the manner aforesaid, for the use of said hospital.

1815.

Style thereof.

Shall sell lands & vest the proceeds in bank stock

Respecting the proceeds of bank stock

May hold 50 acres of land.

Sec. 2. *Be it further enacted*, That no general meeting of the contributors, nor any person acting under them, shall employ any money or other estate, expressly given or added to the capital stock, after the finishing of their buildings of said hospital, in any other way than by applying its annual interest or rent towards the entertainment and care of the sick and distempered poor that shall from time to time be placed under their care, either within or without said hospital.

Capital stock not to be used, except &c.

Sec. 3. *And be it further enacted*, That the accounts of the disbursements of said hospital, as well as of the rents, products and interest of any real or personal estate, or sums of money, charitably given to the use of

Accounts to be published.

1815. the said hospital, together with a list of such donations, shall be fairly drawn out and annually published in some one of the newspapers published in Lexington. And the managers of said hospital, shall at all times, when required, submit the books, accounts, affairs and economy thereof, to the inspection and free examination of such visitors, as may from time to time be appointed by the general assembly of this commonwealth : *Provided always, and it is hereby further enacted by the authority aforesaid, that if at any time hereafter there should not be a constant succession of contributors to meet yearly and choose managers as aforesaid, then and in that case the said hospital, and the estate and affairs thereof, shall be in the management and under the direction of the general assembly of this commonwealth.*

Books to be submitted to visitors.

The general assembly may manage.

County court to have power as formerly.

Proviso.

Sec. 4. *Be it further enacted.* That the power of the county court of Fayette county, shall, in relation to the poor of said county, be and remain as heretofore in all respects: *Provided, however,* that the legislature reserve to itself the right always to regulate, or totally repeal this act.

CHAPTER CCCXCVI.

An ACT to provide for the appointment of a Keeper to the State-House and Public Square.

Approved February 10, 1816.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That the governor be, and he is hereby authorised, when the situation of the state-house requires it, to appoint a fit person as keeper of the state-house and public square ; whose duty it shall be to attend to, and frequently to air, clean and keep the same from injury ; frequently to air and clean the carpeting and other furniture, and do such other things as the governor shall direct ; to continue in office until the end of the next general assembly, and to be appointed annually thereafter ; but for failing or neglecting to attend strictly to the duty enjoined on him, to be removed by the governor, and another appointed in his place. He shall be allowed for his services any sum not exceeding one hundred dollars annually, at the discretion of the governor, to be paid quarterly out of the public treasury.

CHAPTER CCCXCVII.

1815.

An ACT to provide for carrying into effect the Decrees and Judgments of the late Supreme Court for the District of Kentucky.

Approved February 10, 1816.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That all final decrees and judgments of the late supreme court for the district of Kentucky, rendered in any suit in chancery or action at law, where the original or mesne process was executed on the defendant or defendants, or where publication was previously had against the defendant or defendants as then directed by law, shall not be questioned or reversed by writ of error or appeal, or by bill of review, or any bill to effectuate and execute such decrees or judgments, in any court of this commonwealth.

Decrees and judgments of the late supreme court not to be questioned.

SEC. 2. *Be it further enacted,* That the complainant or complainants in chancery, may file a copy of the record of the suit in chancery, in which such final decree is rendered, in any circuit court of this state; and if such decree is for the conveyance of land, and the party in whose favor it was made has been in possession thereof under said decree, during the term of twenty years, he, she or they may produce his her or their title papers, referred to in the bill, or appearing in the record; and may move such court for the appointment of one or more commissioner or commissioners, to convey the land so decreed to be conveyed; and said commissioner or commissioners shall, as such, convey said tract to the complainant or complainants; and when said conveyance is reported to said circuit court, and is approved by the judges thereof, it shall be acknowledged by the commissioners before the clerk of any county court, and recorded in the county where the land lies, and shall be sufficient to pass the legal estate, and to vest the same in the complainant or complainants, to all intents and purposes; and shall be as sufficient to bar and overreach all mesne conveyances, made pending or subsequent to the contest, by the defendant or defendants, as it would have been had said decree been effectuated by the said late supreme court; and from the appointment of said commissioners, and their report of conveyance, and all or

How to be effectuated.

Circuit court to appoint commrs. to convey lands.

Deeds to be recorded.

Mesne conveyances barred.

No writ of error or appeal to be taken.

1815.

Where the interest of the complainant has been transferred, the deed to be made to the transferee.

ders of the circuit court made concerning the same, no writ of error or appeal shall lie to the court of appeals.

Sec. 3. *Be it further enacted*, That if the complainant or complainants in any such suit in chancery, shall have transferred or conveyed his interest in the land to any other person, it shall be lawful for the assignee or transferee, to produce his assignment or conveyance in writing, to any circuit court, together with a copy of the record, as directed by the second section of this act, and thereupon said court shall direct a conveyance to be made to said assignee or transferee, in the same manner as directed by this act, to the complainant or complainants; and the conveyance so made shall have the same force and effect, and be subject to the same rules and regulations, as in the case of a complainant or complainants.

Judgments for money, may be revived by scire facias.

Sec. 4. *Be it further enacted*, That if any such final decree or judgment at law, now existing among the records of said late supreme court, shall be for money, or other specific article, and not for lands, the complainant or plaintiffs may file a complete copy of the record, in the circuit court of that county where the defendant or defendants, or one or more of them, may reside, and may issue a *scire facias* thereon, as in the case of other dormant judgments or decrees, existing in said circuit court; and like proceedings shall be had thereon as in other cases of *scire facias* to revive; and the defendant or defendants may appear and plead any legal plea or matter which may have arisen since the original judgment or decree, as in other cases.

CHAPTER CCCXCVIII.

An ACT extending the several Terms of the Scott Circuit Court.

Approved February 10, 1816.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That the several terms of the Scott circuit court, shall hereafter be continued and holden for the space of three weeks, if the business thereof shall require it.

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CHAPTER CCCXCIX.

1815.

An ACT to alter the time of holding certain Courts, and to establish new Judicial Districts.

Approved February 10, 1816.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky.* That the terms of the Fayette circuit court, holden in the months of March, June and September, shall hereafter commence on the first Monday in the months aforesaid in every year, and shall sit four weeks each term, if the business shall require it, in addition to the terms now allowed by law for the trial of chancery causes, any law to the contrary notwithstanding.

Fayette terms altered.

SEC. 2. *Be it further enacted,* That all recognizances and process of every kind, now made returnable to the next term of the Fayette circuit court, shall be, and the same is hereby made returnable to the first day of the next term of said court as directed to be held by this act; and the same shall be as binding and obligatory in all respects as they might or could have been had this act not passed.

Return of process regulated.

SEC. 3. *And be it further enacted,* That the circuit court in and for the county of Allen, shall hereafter be held on the third Mondays in the months of May, August and November, and may sit six juridical days at each term, if the business shall not be sooner finished; and all recognizances for any person or persons to appear in said court, which would have been in February 1816, had this act not passed, and all process of every kind, made returnable to the said February term of said court, or on any day of said term, shall be good and valid in law, to all intents and purposes, as if the same had been taken for the appearance of such person or persons at the May term appointed by this act, or such process as had been made returnable to said May term of said court; and shall be as binding and obligatory in all respects, and upon all parties, as they would have been had this act not have passed.

Allen terms altered, and process regulated.

SEC. 4. *Be it further enacted,* That the circuit court for the county of Bath, shall hereafter commence on the third Mondays in March, June and September, and continue six juridical days, if the business in court requires

Bath courts altered.

1815. it. The Greenup circuit court shall hereafter commence and be holden on the fourth Mondays in April, July and October, and shall continue in session twelve juridical days if the business in court requires it. The circuit court of Floyd county, shall hereafter commence on the first Mondays in May, August and November, and continue in session six juridical days if the business in court requires. All process returnable to the terms heretofore holden, shall be returnable to the terms of the aforesaid courts, as by this act directed : All recognizances to appear at the terms heretofore directed, shall be valid at the terms hereby directed, and be construed as if they were taken to appear at the terms hereafter to be holden. County courts shall hereafter be holden in said counties in the months when the circuit courts were holden, as the law formerly stood. The said counties of Montgomery, Bath, Greenup and Floyd, shall be, and the same are hereby erected into a judicial district, called and known by the name of the eleventh judicial district ; and to preside and act in said new district, a circuit judge and district attorney shall be appointed, who shall possess the same powers and jurisdiction, and exercise the same functions, and receive the same salary from the treasury, payable in like manner now exercised and assigned by law to other circuit judges and district attorneys in this commonwealth. The county of Pendleton is hereby detached from the judicial district to which it formerly belonged, and is annexed to the second judicial district ; and the judge of the said second district shall preside in, and hold the circuit courts of said county of Pendleton, in like manner as he exercises the same functions in other counties composing the second judicial district.

Sec. 5. *Be it further enacted*, That a new district shall be composed of the counties of Knox, Clay, Rockcastle, Pulaski and Wayne, to be denominated the twelfth ; and that a circuit judge and commonwealth's attorney, shall be appointed in said district, possessing the same powers and emoluments that are by law allowed to those officers. And the courts in each county of the twelfth district, shall commence and be holden on the same days that are now directed by law.

Greenup.

Floyd.

Process regulated.

County court terms regulated.

Eleventh judicial district and regulations respecting it.

Pendleton annexed to 2d district.

Twelfth judicial district and regulations.

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Sec. 6. *Be it further enacted*, That the Washington circuit court be detached from the Nelson and Jefferson judicial district, and annexed to the Mercer and Lincoln judicial district. 1815.
Washington annexed to Mercer.

CHAPTER CCCC.

An ACT supplemental to the act entitled "an act fixing the Ratio and apportioning the Representation for the next four years."

Approved February 10, 1816.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That one representative shall be, and is hereby given to the county of Henry, in addition to the representation now allowed by law to said county, for and during the term of the next four years.

Sec. 2. *Be it further enacted*, That one representative shall be, and is hereby given to the county of Pulaski, in addition to the representation now allowed by law to said county, for and during the term of the next four years.

CHAPTER CCCCI.

An ACT supplemental to the act entitled "an act regulating certain Surveys in this Commonwealth."

Approved February 10, 1816.

For the act to which this is a supplement, see page 365, of this Volume.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That no grant shall issue upon any survey made since the 30th day of September, 1798, on any Virginia land office treasury warrant, or which may hereafter be made on such warrant, until the surveyor shall give the certificate, and the proprietor shall make the affidavit required by the act entitled an act regulating certain surveys within this commonwealth, approved February the tenth, 1816, nor until all those requisites by said act required, as to the surveys therein

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1815. mentioned, shall be complied with, as to the surveys herein mentioned.

Sec. 2. *And be it further enacted,* That surveyors and proprietors, shall respectively be subject to the same pains and penalties for a false certificate, or false oath, relative to surveys in this act mentioned, as are prescribed in the before mentioned act.

CHAPTER CCCCH.

An ACT for the appropriation of Money.

Approved February 10, 1816.

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CHAPTER CCCCIII.

An ACT providing for a change of venue in the case of Isaac Callaham, and others.

1816.

Approved December 13, 1816.

They were indicted in the Clay circuit court for murder: This act permitted them to be tried in Knox.

CHAPTER CCCCIV.

An ACT to establish election precincts in the Counties of Washington, Knox, Fleming and Lewis.

Approved December 21, 1816.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky, That all that part of the county of Washington contained within the following boundaries, viz. Beginning on Salt river, where the Nelson and Washington county line commences, thence with said line to Chaplain's fork; from thence a straight course to Walton's lick; thence with Powell's old trace to the Mercer county line; thence with the same to Franklin county line, and with it to Salt river; thence down said river to the beginning, shall be, and the same is hereby established into an election precinct; and the qualified voters of said precinct, may, at all elections, meet and give their votes at the house of Charles Stennett in said precinct: Provided, however, that all citizens of said county, may vote indiscriminately, either in said precinct or at the court-house.*

SEC. 2. *Be it further enacted, That the county court of said county, shall at the time of appointing judges and clerks to attend the elections at the court-house, appoint judges and a clerk to attend the election in said precinct; and in case of said judges and clerk, or either of them, failing to act, the vacancy shall be supplied as in similar cases; and they shall be entitled to the same allowance, to be paid in like manner, and under the same*

Relative to
judges and
clerks.

1816. penalties as is directed by the law governing elections.

Sheriff's duty. Sec. 3. *Be it further enacted,* That the sheriff of said county shall, by himself or deputy, attend the election in said precinct, conduct the same according to the laws now in force; and shall on the Thursday succeeding the close of the election, meet at the court-house in said county; and on comparing the polls, shall give a certificate, and make the returns required by law.

Knox. Sec. 4. *Be it further enacted,* That all that part of the county of Knox within the following boundary, viz. Beginning at the junction of the state road and the road to the Goose creek salt-works; thence with the line of Knox and Clay counties to the road leading from the said salt-works to Hale's old place, on the said state road; thence with the said salt-works' road to Ephraim Moore's on Lin camp creek; thence with the road from said Moore's to the mouth of Laurel; thence down Cumberland river, to the Pulaski county line; thence with the same and Rockcastle county line to the beginning, shall be an election precinct; and the election to be held therein, at the house of John Jackson, living on said state road: *Provided, however,* that voters in said precinct, may either vote at the court-house or in said precinct.

Fleming. Sec. 5. *Be it further enacted,* That all that part of the county of Fleming which lies within the following boundary, viz. Beginning at the Clay lick, situate upon Licking river, above the mouth of Clover; thence northwardly, and pursuing the dividing ridge between the waters of Foxe's creek and Triplitt to the Lewis county line; thence with the same to the Greenup county line; thence with the same to the Floyd county line; thence with the same to Licking river; thence down the same to the beginning, shall be, and the same is hereby established an election precinct; and the qualified voters of said precinct, may vote at the house now occupied by Moses Clack, at all general elections at which they are authorised by law to vote.

Lewis. Sec. 6. *Be it further enacted,* That all that part of the county of Lewis, which lies within the following boundaries, to wit: Beginning in the Mason county line, at or near the house of Alexander Duke; thence with the road leading to Clarksburg, to the mouth of the little

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east fork of Cabin creek ; thence a straight line to the dividing ridge between Cabin creek and Salt-lick creek ; thence with the dividing ridge between Salt-lick and Cabin creek, to the head of the north fork of Licking, and down the same to the corner of the Mason and Lewis county line ; and from thence with the same to the beginning, shall be, and the same is hereby established an election precinct ; and the qualified voters of said precinct, may vote at the house of Jacob Frizzle, at all elections at which they are authorised by law to vote.

Sec. 7. *Be it further enacted,* That the county courts of Knox, Fleming and Lewis, at the time of appointing a clerk and judges to preside at the elections at their several court-houses, shall appoint a clerk and judges to conduct the elections in the precinct ; and if either of the judges or clerk, shall fail to act, the vacancy shall be supplied in the manner prescribed by law in similar cases.

Appointing judges and clerks.

Sec. 8. *Be it further enacted,* That the sheriffs of said county, shall by themselves, or deputy, attend the election in the precinct in his county hereby established respectively, and conduct the same according to the rules and regulations now prescribed by law, for conducting elections ; and the sheriffs for the county of Knox, shall meet at the court-house of said county agreeably to an act of assembly heretofore enacted establishing a precinct in said county ; and the sheriffs for the county of Fleming shall meet at the court-house of said county, on the Thursday succeeding the close of the election, and the sheriffs for the county of Lewis, shall meet at the court-house of said county, agreeably to an act of assembly, establishing an election precinct in said county, and shall then and there respectively compare the polls, and give the certificates required by law.

Duty of sheriffs.

Sec. 9. *Be it further enacted,* That the officers conducting the elections in said precincts, shall be entitled to the same compensation which is now allowed by law for similar services ; and the voters in the said precincts, shall be subject to the penalties now imposed for any violation of the laws regulating elections.

Compensation.

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CHAPTER CCCCIV.

An ACT for the relief of Sarah Burriss.

Approved December 21, 1816.

Her husband had died in the service of the United States at New Orleans : This act gave her 150 acres of land without paying the state price.

CHAPTER CCCCVI.

An ACT for the relief of Andrew Barnett.

Approved December 21, 1816.

He had paid into the treasury the state price for 200 acres of land ; but the register had by mistake issued the warrant to Anthony Barnett : This act corrected the mistake.

CHAPTER CCCCVII.

An ACT for the relief of William and Evan Dewees.

Approved January 3, 1817.

A land warrant had issued to them by the name of Dowers instead of Dewees : This act applied the proper remedy.

CHAPTER CCCCVIII.

An ACT for the benefit of John Francis and Richard Slavy, and Joseph Barnett and his associates.

Approved February 3, 1817.

The act gave them longer time to comply with the condition on which the land was granted : See the note to the Chapter 172, page 138, of this Volume.

CHAPTER CCCCIX.

An ACT establishing a Town on the Jefferson Seminary Lands.

Approved January 3, 1817.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky.* That it shall and may be lawful for the present trustees of the Jefferson seminary of learning, and their successors in office, or a majority

Trustees to
establish a
town, & reg-

of them, and they are hereby authorised and empowered to establish a town on the lands belonging to that institution in the county of Union, on such part thereof as they shall deem most eligible for that purpose, and embracing such portion of said tract of land as they may think necessary for that purpose; and the said present acting trustees of the Jefferson seminary, and their successors in office, or a majority of them, are hereby authorised and empowered, by deed, to be recorded in the county court of Union county, to convey all the right, title and interest of the trustees of the said seminary, in and to such part of said land as they may think proper, for the establishment of a town, to such persons, not exceeding five in number, as they may designate, convenient to the situation of said town, subject to such trusts and regulations relative to the formation of a plan, the surveying of the said tract into necessary lots and streets, the sale of lots, and in general to such regulations and arrangements relative to said town as the said present acting trustees of the Jefferson seminary, or their successors, or a majority of them, may prescribe.

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Regulations respecting it.

Sec. 2. *Be it further enacted*, That the said present acting trustees of the Jefferson seminary, or their successors in office, or a majority of them, are authorised and empowered to form and establish a plan of said town, direct the surveying thereof, what parts and lots in said town shall be sold, and what parts or lots shall be reserved for the said seminary; terms of credit to be allowed, and the security to be required of purchasers at said sales; and in general, to prescribe such rules and regulations as they may deem necessary for the foregoing purposes.

Regulations respecting trustees.

Sec. 3. *Be it further enacted*, That the said five persons, to be designated by the trustees of the Jefferson seminary as aforesaid, shall be the trustees of the said town, until there shall be fifteen house-keepers, or owners of lots, living in said town; after which, the inhabitants of said town shall have a right to elect trustees, as prescribed by the regulations of the general laws of this state as to towns, and thereafter to be governed by the general regulations; and all vacancies among the said five persons to be supplied by appointments to be made by the residue of the said five persons; and the said five persons, or those appointed to succeed them, [or] a ma-

Regulations respecting trustees.

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majority of them, shall have and exercise all the powers and rights invested in trustees of other towns by the general laws of this state, as to convey lots and other subjects relative to said town, subject to the regulations herein before contained.

Bonds, how
taken, &c.

Sec. 4. *Be it further enacted*, That all bonds to be taken by the trustees of said town, for the sale of lots in said town, shall be taken by them payable to the trustees of the Jefferson seminary of learning, and their successors in office, and shall be delivered over to the said trustees of the Jefferson seminary, to be appointed to the purposes of the seminary, and in payment of the purchase money to the trustees of the Jefferson seminary, by the purchasers respectively. The said trustees of the town shall be, and are hereby authorised and empowered to convey the said lots to the purchasers respectively.

CHAPTER CCCCX.

An ACT to establish and regulate the Town of Campbells-ville, in Green County.

Approved January 3, 1817.

Preamble.

WHEREAS it is represented to the present general assembly, that Andrew Campbell, some years ago, laid out a town on his land in Green county, on the Buckhorn fork of Pitman's creek, and has sold some of the lots, and that the purchasers have made considerable improvements on said lots, and it appearing to this general assembly that it would be of great public utility to establish said town :

Campbells-ville established.

Sec. 1. *Be it therefore enacted by the General Assembly of the Commonwealth of Kentucky*, That the said town, as laid out by said Andrew Campbell, containing forty-three acres one rood and seven poles, be, and the same is hereby established, and shall be called and known by the name of CAMPBELLSVILLE.

Appointment
and powers of
trustees.

Sec. 2. *Be it further enacted*, That the said town, or so much thereof as the said Campbell has not conveyed away, shall be, and the same is hereby vested in Pleasant Kirtley, William Rutter, Joseph Robertson, David Campbell and Lawrence Campbell, gentlemen trustees of said town, and their successors. The trustees ap-

pointed by this act shall meet at the house of Pleasant Kirtly, in said town, on the first Saturday in April next, and shall take the oath of office as trustee, which oath shall be administered by any justice. They, or a majority of them, shall have power to form a board, shall appoint a president, clerk and all other officers necessary. The said trustees shall, within two months thereafter, record the present plan of said town in their book, and also in the clerk's office of the Green county court.

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Sec. 3. *Be it further enacted*, That the said trustees shall have full power and authority to pass any by-laws or ordinances for the regulation and government of said town, not inconsistent with the constitution and laws of this commonwealth; they shall have the right to raise any sum not exceeding fifty dollars per annum, upon such property in said town as is subject to taxation by the revenue law of this state, to be applied to the use and benefit of said town, in such manner as they shall think fit.

Pass by-laws.

Sec. 4. *Be it further enacted*, That the said trustees are hereby authorised to recover any sum not exceeding five dollars, for a breach of any of their by-laws or ordinances; which fine shall be recovered by warrant in their name before any justice of the peace; which fines shall be applied towards the use and benefit of said town.

Breaches of by-laws.

Sec. 5. *And be it further enacted*, That the said trustees shall, before they can recover any fine or fines for any breach of their by-laws or ordinances, have a fair copy of their by-laws or ordinances set up at their public places in said town, at least three weeks.

Fines.

Sec. 6. *Be it further enacted*, That the said trustees shall meet on the first Saturday in April, June, October and December; in every year, and at such other times as they may think proper, and after the first meeting, at such place as they may think proper; they shall have the power of recovering two dollars from any trustee for failing to attend a regular meeting without a good excuse, to be recovered as other fines, and applied in the same manner.

Of meetings.

Sec. 7. *Be it further enacted*, That the said trustees shall remain in office until the first Saturday in November next; on which day, and on the same day in every

Of elections.

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1816. year thereafter, the free male inhabitants of said town, and persons owning or possessing real property in said town, shall meet at the house of Pleasant Kirtly, or such other place as said trustees may direct, and elect five trustees for said town; which said trustees so elected shall continue in office until the next general election, and until other trustees are duly elected and qualified.
- Of vacancies. Sec. 8. *Be it further enacted*, That if a vacancy of the trustees appointed by this act shall happen, the remaining trustees shall supply such vacancy or vacancies, who shall remain in office until the next general election for trustees. The trustee or trustees so elected shall possess the same power and authority as the trustees appointed by this act, and the same rule shall be observed in all future boards of trustees.
- Sell lots. Sec. 9. *Be it further enacted*, That the present trustees, or their successors, are hereby authorised to sell all lots unsold in said town, in such manner and upon such credit as the said Andrew Campbell may direct. If sold on a credit, they shall take bond, payable to said Andrew Campbell, with good security; and the said trustees shall not make conveyances of any lot, until the consideration is paid, unless so directed by said Andrew Campbell.
- Allowances. Sec. 10. *Be it further enacted*, That the trustees shall at all times make their clerk and other officers such allowance as they may think proper.
- Who may be elected. Sec. 11. No person shall be elected to the office of trustee, who does not reside within said town, or one mile thereof, unless he owns real property therein and is above the age of twenty-four years.
- Elections. Sec. 12. *Be it further enacted*, That if an election should not be held on the day appointed by this act, the trustees appointed by this act shall remain in office until the next general election.
- Conducted by justices of the peace. Sec. 13. *Be it further enacted*, That all general elections for trustees shall be conducted by any justice of the peace for Green county. The clerk of the board of trustees shall, one month previous to all general elections, advertise the time and place of holding said election.

CHAPTER CCCCXI.

1816.

An ACT to incorporate the Trustees of the Allen Seminary.

Approved January 3, 1817.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky, That James R. Alexander, Thomas Gatton, John Godley, Alfred Payne, Daniel M. Jones, David A. Porter, Jacob W. Walker, John Walker, John Wills and Samuel Garrison, shall be, and they are hereby constituted a body politic and corporate, to be known by the name of the Trustees of the Allen Seminary; and by that name shall have perpetual succession, and a common seal, with full power to change the same at pleasure.*

Trustees appointed.

SEC. 2. *And be it further enacted, That the fee simple title to the lands granted to the Allen seminary, shall be vested in said trustees and their successors, who shall have full power to sell and convey said lands, upon such terms as two-thirds of the board of trustees may think proper.*

Title to their lands vested in trustees.

SEC. 3. *Be it further enacted, That all monies received by said trustees, or their successors, on account of the sale of said lands, shall be laid out in the purchase of bank stock in some chartered bank of this state; and the interest on said stock shall likewise be laid out in the purchase of bank stock, until the stock directed to be purchased by this section, together with that directed to be purchased by the ensuing section, shall amount to the sum of ten thousand dollars.*

Proceeds of sales of lands to be vested in bank stock

SEC. 4. *And whereas it is represented to the general assembly, that there will be a considerable sum of money left, arising from the sale of lots in the town of Scottsville, after defraying the expence of erecting public buildings in the county of Allen, as contemplated by the act of assembly establishing said county of Allen: Be it therefore enacted, that the remainder of the money arising from the sales of lots in Scottsville, after paying for the public buildings as aforesaid, shall be vested in said trustees and their successors, for the use and benefit of said seminary, to be laid out in the purchase of bank stock in some chartered bank of this state, and the interest shall likewise be laid out in the purchase of bank stock, until the stock purchased in pursuance of this*

Remainder of money arising from sales of lots in Scottsville, to be applied in the same manner.

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section, and that purchased in pursuance of the third section, shall together amount to ten thousand dollars.

Sec. 5. *Be it further enacted*, That the county court of Allen shall direct the money left, arising from the sales of lots in Scottsville, after paying for the public buildings in the county of Allen as aforesaid, to be paid over to the treasurer of the said board of trustees, whose receipt shall be taken for the same, and recorded and filed in the office of the clerk of the Allen county court.

Dividends on
bank stock,
how to be ap-
plied.

Sec. 6. *Be it further enacted*, That when the bank stock directed to be purchased by this act, shall amount to ten thousand dollars, it shall be lawful for the board of trustees to appropriate the annual dividend or interest on said stock, in the purchase of a lot of ground, not exceeding three acres, which they may hold exempt from taxation, for the use of said seminary, in erecting suitable buildings thereon, in procuring necessary books and apparatus, and employing competent teachers.

Trustees to
elect officers,
fill vacancies,
&c.

Sec. 7. The trustees shall elect a president, treasurer and clerk to their own body, and so many professors, tutors or masters as may be necessary; and upon the death, resignation or legal disability of any of the trustees, president or other officers of said seminary, the board of trustees shall supply the vacancy by ballot.

Sec. 8. The professors, tutors or masters employed in said seminary, shall continue in office during the pleasure of the board of trustees, and shall receive such salaries as may be agreed on by them and the board of trustees.

General pow-
ers of trus-
tees.

Sec. 9. The trustees shall have power from time to time to establish such by-laws and regulations, rules and ordinances, not contrary to the constitution and laws of this commonwealth, as they shall deem necessary for the government of said seminary.

Sec. 10. The assent of a majority of the whole number of trustees shall be necessary to transact the following business: To elect and agree upon the salaries of the tutors employed; to fix on the permanent seat of the seminary; to sell any lands, tenements or rents belonging to the seminary; and to make any contract which shall require the appropriation of a larger sum than twenty dollars; in all other cases five trustees shall constitute a board for the transaction of business.

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Sec. 11. The president of the board of trustees shall have power to call special meetings of the said trustees, and it shall be his duty, upon request of three of them, to do the same; but upon any called meeting, the president of the board shall give general notice ten days previous to the meeting, stating the time and place where the meeting shall be held.

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Sec. 12. The trustees of said seminary shall hold two stated meetings in each year, at such time and place as they shall judge proper; and in case sufficient number of members do not attend to constitute a board, those who shall attend may adjourn to any day previous to the next stated meeting, and shall give ten days' previous notice thereof.

Sec. 13. If at any time a member of the board of trustees shall absent himself from two stated meetings successively, unless for good cause shown and approved of by the board, in such case his seat shall be considered as vacant, and the board may proceed to fill his seat with a new member.

Sec. 14. The said trustees, by the name aforesaid, may sue or be sued, plead or be impleaded, in any court of law or equity within this state.

Sec. 15. Said trustees shall hold their first meeting on the first Monday in May next, at the court-house in the town of Scottsville, in Allen county.

Time of first meeting.

Sec. 16. And whereas it is thought by this present general assembly, that the mind enlightened by the study of the arts and sciences, should be left free to form its religious opinions, unbiassed by impressions made in early life, by any particular sect or denomination: *Be it therefore enacted*, that said trustees and their successors, in the appointment of their officer and in the election of teachers for said seminary, shall give no preference to any one on account of religious sectarian sentiments; nor shall said trustees, or their successors, make or enforce any law, regulation or ordinance, which is or shall be calculated to implant in the minds of the rising youth, a bias in favor of any particular religious sect.

No preference to be given to persons on account of religious sectarian principles.

Sec. 17. The trustees of said seminary shall be accountable to the legislature at all times for their conduct in the management of said seminary, and the affairs of said seminary shall at all times be controlled in such manner as the legislature by law may direct.

Powers reserved by the legislature.

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CHAPTER CCCCXII.

An ACT giving further time to the purchasers of lots in the Town of Lebanon, in Washington County to improve the same.

Approved January 3, 1817.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That the citizens and owners of the lots in the town of Lebanon, have until the third day of April 1818, to improve the same.

CHAPTER CCCCXIII.

An ACT for the relief of Joseph Woods.

Approved January 3, 1817.

His patent had issued on a survey, instead of a re-survey, as it ought to have done: This act applied the proper remedy.

CHAPTER CCCCXIV.

An ACT to amend an act concerning Venire Men in this Commonwealth.

Approved January 3, 1817.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That instead of the allowance now made by law to venire men, summoned to attend the circuit or county courts in this commonwealth, there shall be allowed the sum of one dollar per day, each, to be paid in the same manner that venire men are directed to be paid by the laws now in force: Provided, however, that nothing in this act contained shall be so construed as to allow pay to venire men who are summoned as by-standers to attend the court, and challenged and rejected.

Venire men
allowed one
dollar per day

Proviso.

CHAPTER CCCCXV.

An ACT further to regulate the payment of the debt due the Commonwealth for the sale of vacant Land.

Approved January 6, 1817.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That the act entitled "an act fur-

ther to regulate the payment of the debt due the commonwealth for the sale of vacant land," approved January the 11th, 1816, shall be, and the same is hereby revived and continued in force, for and during twelve months from and after the passage of this act; and that all and every provision thereof, shall apply in all and every respect to the year 1817, in the same manner and form as it did in year 1816. 1816.
Act of 1816
revived.

CHAPTER CCCCXVI.

An ACT for the relief of Catherine Bodine, and the widow and heirs of Nathan Barrow, deceased.

Approved January 11, 1817.

The act authorised the sale of some real estate, to pay debts.

CHAPTER CCCCXVII.

An ACT for the relief of Frank Spillman, late Sheriff of Campbell County, and of Spencer Adams, late Sheriff of Floyd County.

Approved January 11, 1817.

The act allowed them, respectively, credits for delinquent lists.

CHAPTER CCCCXVIII.

An ACT for the relief of Taylor and George Noel.

Approved January 11, 1817.

The act authorised them to redeem a tract of land which had been forfeited to the state for the nonpayment of taxes.

CHAPTER CCCCXIX.

An ACT to establish an Election Precinct in Mercer County.

Approved January 13, 1817.

SEC. 1. BE it enacted by the General Assembly of the Commonwealth of Kentucky, That all that part of the county of Mercer, in the following bounds, viz. Beginning at Thomas Pitman's, including said Pitman in the Boundary.

1816.

precinct; thence a straight line to Isham Prewitt's; thence with the road leading from Danville to Bardstown, including Perryville, to the Washington line; thence southwardly with the same to the corner of Mercer and Casey counties; thence with Casey and Lincoln, north-east and north to the beginning; shall be deemed an election precinct for the county of Mercer, and the elections therein shall be held at the house of Edward Bullock, in the town of Perryville.

Where to
meet & vote.

Sec. 2. *Be it further enacted*, That the qualified voters in said precinct are hereby authorised to meet at said Edward Bullock's, at all elections, and give their votes: *Provided, however*, that nothing herein contained shall prohibit any qualified voter, residing within the bounds of said precinct, from voting at Harrodsburg, in the same manner he might have done had this act not passed.

Appointment
of judges and
clerks.

Sec. 3. *Be it further enacted*, That the county court of Mercer, at the time they appoint judges and clerk for the general elections, shall appoint judges and clerk to attend the elections in said precinct; which judges and clerk so appointed shall possess the same power and receive the same compensation as other judges and clerks of elections; and the sheriff shall, by himself or deputy, attend said precinct at all elections; and the sheriff, judges and clerk shall in all respects be governed by the same rules, regulations and restrictions as judges, clerks and sheriffs are directed in similar cases.

Sheriff's du-
ty.

Sec. 4. *Be it further enacted*, That the sheriff attending said precinct election, and the sheriff attending the election in Harrodsburg, shall meet at the court-house in Harrodsburg, on the Friday next after said elections, and compare the polls of the several candidates, and give certificates conformably thereto.

CHAPTER CCCCXX.

An ACT more effectually to secure the navigation of the Beech and Rolling Forks of Salt River.

Approved January 13, 1817.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That all acts or parts of acts giving any county court power to grant permission for

Repeal offer-
mer law.

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the erection of any mill-dam or other obstruction over the Beech and Rolling forks of Salt river, or either of them, below where those rivers have been declared navigable by law, shall be and the same is hereby repealed.

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Sec. 2. *Be it further enacted,* That no mill or other water-works shall be hereafter erected on either of said streams, below where navigation commences.

No mill to be erected.

Sec. 3. *And be it further enacted,* That if any person or persons shall hereafter suffer any fish-trap or other obstruction to be erected across either of said rivers, or suffer those to remain which are now illegally erected, so as to adjoin his, her or their lands binding on said river, him, her or them to whom the land belongs shall forfeit and pay five dollars for every twenty-four hours which the said obstruction or fish-trap shall remain in said rivers; which fine shall be recovered before any justice of the peace or circuit court having jurisdiction thereof. All fines or forfeitures recovered under the provisions of this act, shall go to the informer, who may prosecute for the same in his own name: *Provided,* that as to such obstructions as have been heretofore erected, this section shall not be in force until the twentieth day of August next.

Obstructions.

Sec. 4. *And be it further enacted,* That when any recovery shall be had under this act, against any proprietor, owner or occupier of lands, for obstructions not erected by such owner or occupier, he, she or they shall have their remedy by action of trespass against each and every person or persons who shall have erected, or who may hereafter erect any such obstruction: *Provided,* that the act contained shall be construed to be in heretofore erected under the existence of those streams; but the same may be continued and repaired as occasion may require in the same manner they might have been had not passed.

Of recoveries

Proviso.

1816.

CHAPTER CCCCXXI.

An ACT to amend the act entitled "an act. to reduce into one the several acts respecting the Militia."

See Chapter 233, page 213, of this Volume.

Preamble.

WHEREAS it has become necessary to make some amendments to the militia law, in consequence of some defects therein, and to conform to the act of congress passed the 20th of April, 1816 : For remedy whereof,

Duty of field officers in relation to rank and parades.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the field officers now in commission, who may receive appointments of colonel or lieutenant colonel, in conformity to the act of congress, that they shall take rank from the date of their present commissions ; and that the colonels hereafter appointed, shall perform the same duties now directed by law to be performed by lieutenant colonels, and subject to the same penalties for a failure thereof ; and the lieutenant colonels hereafter shall take the special command of the battalion in which the majors do not reside, and perform the same duties and be subject to the same penalties for a failure thereon as is now directed by law ; and that they shall attend the battalion parades under the command of the majors, and may give any order relative to the exercise they may think proper, and in the absence of the colonel perform all the duties enjoined on him by law, and subject to the same penalties for a failure thereof ; and on all regimental parades, the battalion commanded by the lieutenant colonel, shall take rank of the shall take command of the battalion perform the same duties and be subject to the same penalties now provided by law.

Powers of court martial.

Sec. 2. All court martials appointed by the tenth section of the act to which they are subject shall have power to cashier, reprimand, or suspend, at their discretion, but subject to an appeal to the court martial as is now provided by law.

Brigade trainings & fines.

Sec. 3. *Be it further enacted,* That all officers or non-commissioned officers or musicians, who fail to attend the brigade training when ordered, shall be subject to the same penalty they are now subject to, for failing to attend regimental trainings ; to be assessed by regi-

mental courts of assessment, except the field officers, who shall be tried by a brigade court; and it shall be the duty of the judge advocate of every brigade court, to make out two fair copies of the fines assessed, and deliver one copy to the sheriffs of the county where such person lives for collection, and transmit one copy to the auditor of public accounts; and the sheriff shall be bound to collect the same and pay over to the auditor of public accounts at the same time he is compelled to pay the revenue.

1816.

Sec. 4. That so much of the 74th section of the act to which this is an amendment, as vacates the office of any officer who fails to return the duplicate oath of office within twenty days to the adjutant of the regiment, shall be, and the same is hereby repealed; and that in lieu thereof, they shall be subject to pay a fine not more than five, nor less than three dollars, to be assessed by the annual court of assessment; and the adjutant shall report all delinquent officers to the courts of assessment accordingly; and it shall be the duty of the several justices of the peace of this commonwealth, to insert in the certificate of the oath of office, the date of the commission to which such oath shall be administered.

Concerning a duplicate of oath of office.

Sec. 5. That so much of the fifty-third section of the act to which this is an amendment, allowing brigade inspectors nine shillings per day with an allowance for travelling, at the rate of one dollar and fifty cents for every twenty miles, where the distance shall be over that number of miles, from one regiment or battalion muster to another, by the most direct road, the distance from regiment to regiment, and from battalion to battalion, where it is over twenty miles, shall be certified by the commandant of the brigade, restricting them to twenty dollars, shall be repealed; and in future they shall be allowed one dollar and fifty cents per day for attending at each regimental battalion muster.

Pay of brigade inspectors.

Sec. 6. All commandants of companies who fail to return a list of non-commissioned officers, agreeable to the fifty-eighth section of the act to which this is an amendment, shall be subject to a fine of three dollars; to be assessed by the court of assessment; and the sergeant major shall report them to the judge advocate of the regiment accordingly.

Fines on captains, &c.

1816. *Sec. 7. Be it further enacted, That all persons be-*
 longing to any company of artillery, cavalry, grenadiers,
 light infantry and riflemen, who shall attend the several
 musters directed by law, without uniform, after such
 uniform has been approved of by the brigadier com-
 manding the brigade to which such company belongs, he
 shall be fined fifty cents for such failure ; and the fines
 assessed on members of cavalry, artillery, grenadier,
 light infantry and rifle corps, shall be applied to the use
 of said corps exclusively ; and it shall be the duty of the
 several paymasters to keep the accounts of said corps
 separately and distinctly from the other funds of their
 regiments ; which fines shall be applied to the use of the
 respective companies, upon orders drawn by the com-
 manding officer of regiments, after deducting a propor-
 tionable part of the expence incurred in laying, collect-
 ing and paying over the same.

Sec. 8. Be it further enacted, That when any com-
 manding officer of a regiment fails to make returns of
 delinquents at the several trainings directed by law, he
 shall be fined twenty dollars ; and it shall be the duty
 of the adjutant to report such commandant to the briga-
 dier commanding the brigade.

Sec. 9. Be it further enacted, That it shall be the du-
 ty of the several sheriffs in making their settlements
 with the several paymasters, to deduct nine per centum
 on all sums collected, and accounted for to the paymas-
 ters of their respective regiments.

Sec. 10. Be it further enacted, That no adjutant shall
 be permitted to take command at any battalion or regi-
 mental parade after the troops are formed ; and if any
 field officer, whose duty it is to command at the several
 musters, shall fail to do so, the officer next in rank shall
 take the command, and after discharging the duties of
 the day, he shall report the delinquent officer to the pro-
 per officer for failing to do his duty as the law directs.

Sec. 11. Be it further enacted, That at each of the
 musters, reviews or courts martial, where officers are
 required to appear in uniform, they shall be fined, for
 each failure, the sum directed by the act to which this
 is an amendment, for failing to equip themselves, with-
 out a reasonable excuse.

Sec. 12. It shall be the duty of the adjutant, at the
 battalion and regimental musters, to note and report all

Artillery, &c.
regulations:

Collecting
fines in rela-
tion to train-
ings.
Adjutant's du-
ty.

Sheriff's du-
ty.

Adjutant not
to command
and who shall

Fines for
want of equip-
ment.

Adjutant's du

those who may appear without uniform to the judge advocate of regiments, at or before the annual court of assessment, as well as those directed in the 38th section of the act to which this is an amendment, and in case he is absent, the commandant of the battalion or regiment, as the case may be, shall make such return. 1816.

ty in report-
ing delin-
quents not u-
niformed.

Sec. 13. *Be it further enacted*, That it shall be the duty of commandants of regiments, or the adjutants, to note on the back of each company return the day when they receive them, and to return to the annual regimental court of assessment all those who had failed to make their returns in the time required by law; and the brigadier general or the brigade inspector, shall note on each regimental return the day when they receive them; and it shall be the duty of the brigadier general to order a brigade court martial to assess all fines for failures to make returns by the day required by law; and it shall be the duty of the major general or division inspectors, to note on each brigade return the day they receive them, and in case the returns are not made by the day required by law, to order a division court martial to assess the fines for such failure; and also, for the adjutant general to return to each major general the default of any brigadier general in his division who shall fail to make his returns by the time required by law to the adjutant general's office. And it shall be the duty of the governor and commander in chief, to order a general court martial to assess the fine on any major general who shall fail to make his annual return by the day required by law; and any general officers whose duty it is to order courts martial, and shall fail to do so, shall be fined any sum not exceeding fifty dollars, nor less than twenty-five dollars.

Regulations
and duties of
officers res-
pecting re-
turns.

Directions to
the governor

Sec. 14. *And be it further enacted*, That at each of the musters required by law, when it is the duty of the brigade inspector to attend, he shall return to the brigadier general all the regimental, field and brigade staff officers, whose duty it was to attend, who had failed to do so, as well as to appear in uniform, whose duty it shall be to order a brigade court martial to assess the fines against them; and in case the inspector shall fail to attend, the commanding officers present, shall note such non-attendance and failure to appear in uniform, and make the returns required by this act. And it shall be

Regulations
respecting
non-attend-
ance and duty
of brigade in-
spectors and
others.

1816.

the particular duty of the commandants of the different regiments, to return to the major general the failure of the brigadier general to appear and review his regiment annually ; and the major general shall order a division court martial to assess the fines for such non-attendance or failure to appear in uniform ; also, the commandant of each regiment shall make a return to the adjutant general, the failure of the major general and his aids and division staff for a failure to attend to review the regiments as the law requires, or for their not appearing in uniform.

Ad'jt. general may be fined, and for what.

Sec. 15. *Be it further enacted*, That on the failure of the adjutant general by the tenth December in each year, to return to the major generals any delinquent brigadier generals, for failing to make their returns by the time required by law, or to report to the governor the failure of any major general to make his returns by the time required by law, or for failure to make his annual returns of the strength of the militia of this state, to the governor and secretary at war of the United States, for each of such failures shall be subject to a fine of fifty dollars, to be assessed by a general court martial.

To reside at the seat of government.

Sec. 16. *Be it further enacted*, That within six months from the passage of this act, the adjutant general shall reside at the seat of government, or the vicinity thereof ; and on his failing to do so his office shall be considered as vacant, and the governor shall proceed to fill such vacancy in the same manner as though he had resigned.

Brigadier's duty and regulations concerning fines in cavalry.

Sec. 17. It shall be the duty of the brigadiers commanding the brigades to which the late cavalry regiments were attached, to issue his order to the late field officers of the regiments to settle with their paymasters, and report to him in six months the amount of fines in his hands ; upon which the brigadier shall divide the amount as equally as may be, among the different companies now remaining who belonged to those regiments, paying regard to their numbers, and issue his order to the paymasters of the several regiments to which those companies are attached, stating the amount each company are entitled to, directing him to call on the paymaster of the late cavalry regiment, and receive and give

duplicate receipts for the same, and place it to the account of the company ; one of which receipts shall be given to the commanding officer of the regiment to which such company belongs ; which sum shall be applied to the use of said company by orders drawn by the commandant of said regiment.

1816.

Sec. 18. *Be it further enacted*, That the paymasters of the late cavalry regiments shall, and they are hereby authorised to complete their settlements with the different sheriffs, and have the same authority to motion against and exercise every power on that subject that the act to revise and amend the militia law, approved twenty-ninth of January, 1812, and which was repealed by the act approved Feb. 4th, 1815, on the same subject, gave them. The settlements made with the paymasters of the late cavalry regiments shall be returned to the clerk of the county court of his county as other settlements of the same nature are.

Settlement of
paymasters
with sheriffs,

Sec. 19. *Be it further enacted*, That it shall be the duty of the paymaster or paymasters of the regiment or regiments, from which a new regiment may have been or shall hereafter be formed, to liquidate, in presence of the paymaster of said new regiment, the accounts of the same ; taking in view all debts due or to become due in favor of, as well as those against said regiment or regiments at the time of formation, having regard to colors, drums and fies in the possession of either ; and if it shall appear that there is a balance in favor of the new regiment, it shall be paid over to the paymaster of the new regiment in proportion to the number taken from the old regiment ; but if it should appear upon a settlement that the old regiment has a debt against it, then, and in that case the new regimental paymaster, shall assume a proportionable part of said debt, and pay the same under the rules and regulations now prescribed by law respecting seniority of claims.

Paymaster's
duty respect-
ing old and
new regim'ts,

Sec. 20. *Be it further enacted*, That hereafter the commandant of companies shall not return any private for not parading without being armed as the law directs, provided such private will make oath before such commandant that he is unable to purchase arms without injuring his family.

Privates may
not be fined.

1816.

CHAPTER CCCCXXII.

An ACT to amend the law authorising the appropriation of the Lands acquired by the Treaty of Tellico.

Approved January 13, 1817.

See the prelection to Chapter 211, page 189, of this Volume.

Purchasers to have a discount of interest & damages, if payment is made within a certain time.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the claimants of lands within the bounds of the Tellico purchase, who have obtained their claims under and by virtue of the various laws of this commonwealth, for appropriating the vacant lands within the bounds of the Tellico purchase aforesaid, who shall on or before the first day of January, one thousand eight hundred and eighteen, pay into the public treasury the whole amount of the state price, or the balance in case of a partial payment already made, shall be entitled to a discount of all the interest and damages due or to become due thereon.

CHAPTER CCCCXXIII.

An ACT to authorise the Trustees of the Town of Bowling-Green to levy and collect a Tax not exceeding two hundred Dollars.

Approved January 17, 1817.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That the trustees of the town of Bowling-Green, in Warren county, shall be, and the same are hereby authorised to levy and collect a tax to any amount not exceeding the sum of two hundred dollars, to be appropriated by said trustees for the improvement of said town, in any manner they may think proper.

Sec. 2. *And be it further enacted,* That the tax aforesaid shall be levied on the town lots lying in said town, in proportion to their value: *Provided,* that nothing herein contained shall be so construed as to prevent the trustees of said town from imposing a poll tax of fifty cents on each titheable resident in said town.

CHAPTER CCCCXXIV.

1816.

An ACT to amend an act establishing Election Precincts in the Counties of Washington, Knox, Fleming and Lewis, approved December 21, 1816.

Approved January 17, 1817.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That the place for holding elections in the election precinct in the county of Fleming, shall in future be held at the house of Bazil Hunt, sen. at the forks of the state road in said precinct; and so much of the law as authorises elections to be held at Moses Clack's, be and the same is hereby repealed.

CHAPTER CCCCXXV.

An ACT to ascertain and mark the Division Line between the Counties of Franklin and Woodford.

Approved January 17, 1817.

WHEREAS it appears to the present general assembly, that the line dividing the counties of Woodford and Franklin, directed by an act approved the 25th February 1797, hath not been run agreeable to the directions of the before recited act: For remedy whereof,

Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Peter G. Voorhies and Achilles Sneed, of the county of Franklin, and William Steele and Richard Fox, of the county of Woodford, or one of them from each county, be, and they are hereby appointed commissioners, to run and distinctly mark the line between the said counties; beginning at the Scott line, where it leaves the south fork of Elk-horn; thence a straight line to strike the Kentucky river one mile above the mouth of Glenn's creek, agreeable to the act as before recited.

Preamble.

Comm'rs. appointed to run and mark the division line.

Sec. 2. Be it further enacted, That the commissioners appointed by this act shall be allowed four dollars each per day, for each day they may be actually employed in running said line. The commissioners aforesaid shall employ a marker, who shall be allowed two dollars per day, half of which shall be paid by each county, on the

Their allowance, & manner of payment.

May employ a marker, and his pay.

DECEMBER SESSION,

1316. certificate of the commissioners that the duty was actually performed.

To take an oath. Sec. 3. *And be it further enacted*, That the said commissioners and marker, being present, shall each take an oath before some justice of the peace, faithfully to discharge the trust reposed in them, with fidelity and without partiality run and mark the said line; and return to the county court of Woodford and Franklin, a report of their proceedings, with a description of the marks on said line, as well as any natural marks that can be ascertained on said line. The county courts of each county shall enter on their records the reports as aforesaid, which shall be established as the true boundary line between the said counties.

Their reports to be recorded, &c.

CHAPTER CCCCXXVI.

An ACT for the relief of Zilpha Hix, and the heirs of Richard Hix, deceased.

Approved January 17, 1817.

The act gave to her and her children the 50 acres of vacant land on which they lived.

CHAPTER CCCCXXVII.

An ACT to amend the act entitled "an act to regulate the Town of Greensburg."

Approved January 17, 1817.

Recital. WHEREAS it is represented to the present general assembly, that owing to the bounds of the streets, alleys and lots in Greensburg, not being sufficiently marked out on the ground, encroachments have been in some instances made by extending buildings on the said streets and alleys, as has been ascertained by re-survey lately made of said town; in consequence of which, it has been found necessary to change the plan of said town, and in some instances to reduce the size of some of the streets and alleys, and thereby increase the size and value of some of the adjoining lots: And whereas the trustees and citizens of said town have petitioned the present general assembly to ratify and confirm the plan of said town as altered by the said trustees, and to vest in the

proprietors of lots the increase gained by the reduction of the said streets and alleys, upon the said proprietors making compensation for the increase of their lots respectively, which is thought reasonable : Wherefore,

1816.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the alterations made in the plan of said town by the trustees thereof, be, and the same are hereby established, and shall remain as though the same had been part of the original plan of said town ; and that for the purpose of ascertaining the value of the ground added to the said lots respectively, it shall and may be lawful for the said trustees to make out their order, certified by their clerk, and directed to the sheriff or constable of said county, requiring the said sheriff or constable to cause to be summoned, empaneled, sworn and charged by said sheriff or constable, a jury of twelve disinterested house-keepers of the vicinage, to enquire into the value of the ground added to the respective lots ; and the said jury so summoned, empaneled, sworn and charged, shall state in their inquest the value of the increase to each lot respectively ; and the said inquest, signed and sealed by the jurors, and certified by the sheriff or constable attending the same, shall be lodged by the said sheriff or constable with the clerk of the trustees ; and upon the proprietors of the respective lots paying to the said trustees the value of the increase to their said lot or lots, the said increase to said lot or lots shall be vested in the proprietors of the lots to which the increase has been made by the change of the plan aforesaid. And in case any proprietor of any lot or lots shall refuse, when required by the said trustees or their agent, to pay to said trustees the value of the increase to his, her or their lot or lots respectively, the said trustees shall and may sell and convey the ground annexed to any lot by the change of the plan aforesaid, for the best price that can be had, upon such credit as to them shall seem fit ; and in case of payment of the value of the increase to any lot by the proprietor, or in case of a sale of such increase, the money shall be applied by the said trustees to the improvement of the streets and alleys of said town, or to such other objects of public utility in said town as the trustees may direct : *Provided*, that before the taking the inquest by the jury aforesaid, public notice in writing shall be given by the

Alterations
in said town
established.

Mode of valuation of the
lots.

Certain powers vested in
the trustees.

Proviso.

1816.

sheriff or constable, at the door of the court-house in said town, of the time and place of the meeting of the jury, one month; and the like notice shall be given by the trustees of said town, before they shall proceed to make sale and conveyance of the increase to any lot or lots.

Re-survey to
be made and
recorded.

Sec. 2. *Be it further enacted*, That the re-survey, as made and recorded in the book of the trustees, herein ratified, shall be recorded in the clerk's office of the county court of Green county, which shall be the plan of the town.

CHAPTER CCCCXXVIII.

An ACT further to regulate the Christian Academy, and to amend the law establishing an Academy in the County of Caldwell.

Approved January 17, 1817.

Trustees.

Incorporated

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That Rezin Davidge, Peter Ferguson, Edward Bradshaw, John Clark, Ferdinand Wadlington, Benjamin H. Reeves, John Bryan, John D. Patton and Charles Caldwell, gentlemen, be, and they are hereby constituted a body politic and corporate, to be known by the name of "The Christian Academy;" and by that name shall have perpetual succession, and a common seal, with power to alter or change at pleasure; and as a body corporate, shall be authorised to exercise all the powers and privileges that are now enjoyed by the trustees of any academy or seminary of learning in this state; and on the death, resignation or other disqualification of any of the trustees as aforesaid, or their successors, a majority of the remaining trustees shall fill such vacancy; and the person so appointed shall be vested with the same power and authority as if specially named in this act; and by the name and style of the trustees of the Cristian academy, may sue and be sued, plead and be impleaded, or may be sued and impleaded in any court of law or equity, or before any tribunal having cognizance of the same.

To receive
donations.

Sec. 2. The said trustees and their successors, shall have power, in their corporate capacity, to purchase or receive by donation, any lands, tenements, heredita-

ments, monies, rents, goods and chattels, and to hold the same by the name aforesaid, to them and their successors forever, for the use of said academy; and to sell, alien or transfer any such lands, goods and chattels, and apply the proceeds to the use and benefit thereof; also to dispose of all the lands heretofore or hereafter appropriated for the benefit of said seminary, according to existing laws.

1816.

Sec. 3. The person first named herein, or in his absence or refusal to act, the next, shall notify the time and place for the first meeting of the trustees; and on the attendance of a majority thereof, they shall severally take an oath, to be administered by some justice of the peace, well and truly to execute the duties of their office; and thereafter the board may be called by the chairman, or by any two of the trustees. The said trustees shall have power to adjourn from day to day; to make and ordain such by-laws, rules and ordinances as they may deem proper, not inconsistent with the laws of this commonwealth; and moreover to fix on a proper place for erecting the buildings for the said academy: *Provided*, that a majority of all the trustees shall be necessary to attend on the making any contract, by-laws, or fixing the permanent seat for the same.

Trustees to take oath.

To make by-laws.

To fix on a place for the buildings. *Proviso.*

Sec. 4. A majority of said trustees shall have power to engage and employ a competent number of tutors and professors to the said academy; to fix their salary and the salary of their clerk, and also the terms of tuition; and on the misconduct of any tutor, professor or student, may dismiss or expel such tutor, professor or student from the said academy. All acts or parts of acts coming within the purview of this act, shall be, and the same are hereby repealed.

Trustees to employ professors.

Repealing clause.

Sec. 5. *Be it further enacted*, That nothing in the second section of the act entitled "an act establishing an academy in the county of Caldwell," approved the 22d day of December, in the year 1812, shall be so construed as to authorise the trustees of the Caledonia academy to dispose of any lands heretofore or hereafter appropriated, except the lands held by and belonging to the said Caledonia academy.

Second section of an act establishing an academy in Caldwell, repealed.

1816.

CHAPTER CCCXXIX.

An ACT adding a part of Bourbon County to the County of Nicholas; also a part of Nicholas to the County of Harrison.

Approved January 17, 1817.

Boundaries
of the part of
Bourbon add-
ed to Nicho-
las.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky.* That from and after the first day of March next, all that part of the county of Bourbon within the following boundary, shall be, and the same is hereby added to the county of Nicholas: Beginning in the line between Nicholas and Bourbon, where it crosses Steel's run; thence a direct line to run a true direction to the mouth of Brushy fork, until it strikes Hinkston's fork; thence up Hinkston with its meanders to the mouth of Taylor's creek; from thence up Taylor's creek to the farm of Samuel Donald, Esq.; thence to his house, leaving the same in Bourbon county; from thence a direct line to strike Hinkston below the new bridge; thence up Hinkston to the upper crossing of the Bourbon line; thence with the line of Bourbon and Bath to the corner of Nicholas county; thence with the Bourbon and Nicholas line to the beginning.

Provision for
collecting the
taxes & other
public dues.

SEC. 2. *Be it further enacted,* That it shall be lawful for the sheriff of Bourbon county to make distress for any taxes, levies, or other public dues, or officers' fees, unpaid by the inhabitants within the aforesaid bounds at the time the change of jurisdiction into Nicholas county takes place, and he shall be accountable in the like manner as if this act had not passed.

The Bourbon
courts to hold
jurisdiction
of all suits de-
pending with-
in the above
boundary.

SEC. 3. *Be it further enacted,* That the courts of Bourbon county shall have jurisdiction in all actions and suits depending therein at the time the said change of jurisdiction takes effect, and they shall try the same, issue process, render judgment or decree, and award execution thereon.

The surveyor
of Nicholas to
run & mark
the line, &c.

SEC. 4. *Be it further enacted,* That it shall be the duty of the surveyor of Nicholas county, as soon as may be, to run and mark the line directed by this act between the counties of Bourbon and Nicholas, and make out two fair plats thereof, and return one of them to the clerk of the county court of Bourbon, and the other to the clerk of the county court of Nicholas, to be by them severally recorded in their offices; who shall be paid a

reasonable compensation for his services in running the line, out of the county levy for the county of Nicholas, the amount of which shall be allowed by the county court.

1816.

Sec. 5. *Be it further enacted*, That from and after the first day of March next, all that part of the county of Nicholas, included within the following boundary, shall be, and the same is hereby added to the county of Harrison: Beginning at the junction of the Bourbon, Harrison and Nicholas county lines, near Hubbard Williams'; running thence a direct line to the mouth of Crooked creek, on the Blue Lick fork of Licking; thence down said Blue Lick fork to the present Harrison line; thence with said county lines to the beginning; and shall be subject in every respect to the like regulations as are provided in a former part of this act, adding a part of the county of Bourbon to the county of Nicholas.

Part of Nicholas added to Harrison.

CHAPTER CCCCXXX.

An ACT to authorise the insertion of Advertisements in "The National Pulse," "The Commentator," and "Guardian of Liberty."

Approved January 17, 1817.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful to insert and publish in "The National Pulse," printed in Harrodsburg, "The Commentator," printed in the town of Frankfort, and "The Guardian of Liberty," printed in the town of Cynthiana, in the county of Harrison, any and all orders of court, and advertisements, which are required and authorised by law to be published in any newspaper in the state of Kentucky; and the editors of said papers shall be governed by the same rules, and entitled to the same fees, as other printers in this commonwealth: *Provided*, that nothing herein contained shall be so construed as to authorise the insertion in said papers of such advertisements as are required by law to be published in the paper of the public printer.

1816.

CHAPTER CCCCXXXI.

An ACT for establishing the Town of Perryville.

Approved January 17, 1817.

Preamble.

WHEREAS it is represented to the present general assembly of the commonwealth of Kentucky, that on the nineteenth day of September, 1815, Edward Bullock and William Hall, did by mutual consent and joint agreement, lay off a town on their lands in Mercer county, on Chapline's fork, immediately at the cross roads, leading from Harrodsburg to Nashville, and from Danville to Louisville, called and known by the name of Perryville, and that the same bids fair to be of public utility.

Town established and trustees appointed.

Sec. 1. *Be it therefore enacted by the General Assembly of the Commonwealth of Kentucky,* That the said town containing thirty-two acres or sixty-four half acre lots with the necessary streets and alleys be established; and that a plan thereof be recorded in the clerk's office in the county court of Mercer; and that Richard Hope, Thomas Crawford, sen. Archibald Bilbo, Nimrod Greenwood, James Warren, George H. Briscoe and Thomas J. Crawford, be appointed trustees to said town, with full power and authority to enact and enforce such by-laws, and regulations for the government and improvement of said town, as other trustees possess in similar cases heretofore enacted by the laws of this commonwealth; and that the said trustees shall be empowered to enforce the purchasers of any lot or lots to comply with the terms of sale under which said lots were sold; with this proviso, that any owner of any lot or lots in said town, who shall erect any shop or machinery in or adjacent to said town, which shall be deemed by a majority of said trustees to be of equal utility to the improvement of any lot or lots as the case may be, then, and in that case the owner of the same shall be exempt from the forfeiture stipulated in the terms of sale.

Further provisions.

Sec. 2. *Be it further enacted,* That the said town shall be entitled to two justices of the peace, who shall reside within the limits of said town, or within one mile thereof exclusive of the number now allowed by law for the county of Mercer, and that the trustees aforesaid shall remain in office until others shall be appointed by law;

and in case of the death, resignation or refusal to act of any said trustees, a majority of the said trustees shall have power to appoint others to fill such vacancy.

1816.

CHAPTER CCCCXXXII.

An ACT for the relief of Hugh Henderson, and others.

Approved January 21, 1817.

The act authorised patents to issue on certified copies of plats and certificates of survey, the original having been lost.

CHAPTER CCCCXXXIII.

An ACT for the relief of Archelaus Vanhook, late Sheriff of Nicholas County.

Approved January 21, 1817.

The act gave him further time to pay up the revenue, and allowed him a small discount.

CHAPTER CCCCXXXIV.

An ACT to incorporate the Stanford Library Company.

Approved January 21, 1817.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That David Logan, William Forbis, Joseph Paxton, Thomas Helm and Michael Davidson and their successors, duly elected and appointed in the manner hereinafter directed, be, and they are hereby made, declared and constituted a corporation and body politic in law and in fact, to have continuance forever, by the name, style and title of the Stanford Library Company. Directors incorporated.

SEC. 2. *Be it further enacted,* That all and singular the sums of money, books, goods and chattels, which may have been subscribed and paid, or which may be subscribed and remain due, or which may hereafter be subscribed, given, granted or devised to the said company, or to any person or persons for the use thereof, shall be vested in and confirmed to the said corporation, and that the said corporation may take and receive any All donations &c. vested in said directors

1816.



sum or sums of money, or any goods, chattels or other effects of what kind or nature soever, which shall or may hereafter be given, granted or bequeathed unto them by any person or persons, bodies politic or corporate, capable of making such gift or bequest, such money, goods, chattels or other effects to be laid out and disposed of in the purchase of books, maps, charts, &c. for the use and benefit of the said company, agreeably to the intention of the donors.

Capable of
suing, &c.

Sec. 3. *And be it further enacted*, That the said corporation, by the name and style aforesaid, shall be hereafter forever capable in law to sue and be sued, plead and be impleaded, in any court or courts or other places, or before any judge or justice within this commonwealth, in all manner of actions, suits or complaints of whatsoever kind or nature they may be, in as full and effectual a manner as any other person or persons, bodies politic or corporate may or can do.

Owners to
make by-laws

Sec. 4. *And be it further enacted*, That the said corporation shall have full power to make any by-laws and ordinances, which may be deemed necessary for the said institution ; and they are hereby vested with full power to carry said laws into execution ; with full power to alter, change or abrogate said laws at pleasure ; to fix the price of new shares and annual contributions on each share ; to direct how transfers may be made and certified ; to procure by rent, purchase or otherwise a suitable place for keeping the library ; to appoint a treasurer, secretary and librarian ; to assign them their duties, fix their compensation, and remove him or them from office, and appoint another or others in their place, as often as they shall think fit ; to appoint the times for keeping the library open, and for taking out and returning books ; to fill up vacancies that may happen in their number between the elections ; to levy and collect fines, and to determine upon and transact all matters appertaining to the said corporation or library company, agreeable to the rules, ordinances and by-laws thereof, during their continuance in office : *Provided, however*, that not less than three shall be a quorum to do business ; that no by-laws shall be made repugnant to the laws of the commonwealth, and that no contribution shall be levied on any share in any one year greater than one dollar, without the consent of the majority of the share-

To appoint li-
brarian and
make other
regulations.

holders : *And provided, however,* that no law shall be passed by the said corporation which will operate either directly or indirectly as a forfeiture of any share or shares in the said library.

1816.

Sec. 5. *Be it further enacted,* That there shall be a First meeting meeting of the shareholders on the second Monday in June next, at the court-house in the town of Stanford, and annually in the month of June thereafter, at the place which may be fixed upon by the directors, of which the directors shall give at least one month's notice, by posting up written advertisements at the most notorious place in the town of Stanford, at which time and place the shareholders, or such of them as may be present, either personally or by proxy, evidenced by writing under the hand of the shareholder, and shall not be in arrears for any annual contribution or fine, shall elect and choose by ballot five directors to serve for the next year ensuing the election, and until others shall be elected and consent to serve in their place : *Provided always,* Shareholders to choose directors. Proviso. that a majority of the shareholders as aforesaid, either personally or by proxy, shall be necessary to elect the directors, and that each shareholder shall be entitled to one vote for each share holden in the institution.

Sec. 6. *Be it further enacted.* That the directors shall cause the treasurer, secretary and librarian to keep in suitable books for that purpose, just and proper entries of all the proceedings and accounts of the company and corporation, and have them laid before the shareholders at every election, previous to taking the votes for directors, and shall always deliver the said books together with the property of the company in good order, to their successors in office whenever required. Officers to keep books.

Sec. 7. *Be it further enacted,* That each shareholder shall be at liberty at all times to transfer or relinquish the share or shares holden by them, and shall forever thereafter be released from further contribution on account thereof. Shareholders may transfer their shares.

CHAPTER CCCCXXXV.

An ACT authorising the Floyd County Court to sell part of their Public Ground.

Approved January 21, 1817.

1816.

DECEMBER SESSION,

CHAPTER CCCCXXXVI.

An ACT for the benefit of Thomas Simpson.

Approved January 21, 1817.

The act authorised a re-survey to be made of his head-right claim and a new patent to issue.

CHAPTER CCCCXXXVII.

An ACT to alter the time of holding the Chancery Term of the Jefferson Circuit Court.

Approved January 21, 1817.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That hereafter the chancery term of the Jefferson circuit court, directed by law to be held on the first Monday in February, shall commence on the second Monday in February, and continue to sit eighteen juridical days at each term, if the business before them require it.

CHAPTER CCCCXXXVIII.

An ACT to incorporate the Hope Distillery Company.

Approved January 27, 1817.

CHAPTER CCCCXXXIX.

An ACT for the relief of Esther Smiley.

Approved January 27, 1817.

Her husband had become insane: This act appointed commissioners, whom it authorised jointly with her to sell a tract of land he had bought before he lost his reason.

CHAPTER CCCCXL.

An ACT for the benefit of John M^cCombs.

Approved January 27, 1817.

The act released the balance of the state price due on a small tract of land.

XXV. YEAR OF THE COMMONWEALTH.

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CHAPTER CCCCXLI.

1816.

An ACT for the benefit of the Heirs of Sarah Ward, deceased.

Approved January 27, 1817.

The act authorised the infants to convey lands by their guardians, and the femes covert by attorney in fact.

CHAPTER CCCCXLII.

An ACT for the relief of John Goodlett.

Approved January 27, 1817.

He had a demand against a freeman of color, who had died intestate without heirs, and without personal property: This act authorised the subjection of a small real estate left by the intestate, to the payment of the debt.

CHAPTER CCCCXLIII.

An ACT for the benefit of certain delinquent Militia of the 38th Regiment.

Approved January 27, 1817.

Had its effect.

CHAPTER CCCCXLIV

An ACT for the relief of Nehemiah Cravens.

Approved January 27, 1817.

The surveyor had committed a mistake in returning the plats and certificates of his survey, so that he obtained two patents for the same land: This act authorised a re-survey of one tract.

CHAPTER CCCCXLV.

An ACT concerning the Town of Louisville.

Approved January 27, 1817.

WHEREAS it is represented to the general assembly of the commonwealth of Kentucky, that the amount which is now by law authorised to be assessed, levied and collected by the trustees of the town of Louisville,

1816.

as a tax upon the property in said town, is wholly insufficient to answer the purposes for which it is intended : Wherefore,

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That hereafter the trustees of said town or a majority of them or their successors in office for the time being, shall be, and are hereby invested with full power and authority to assess, levy and collect on the property within said town and its additions or enlargements as the case may be, real and personal, any sum not exceeding six thousand dollars, for the year 1816, and every year thereafter. The mode of assessment, and the species of property on which the said assessment shall be made, to be prescribed by the by-laws, which may be enacted by the said trustees, which said sum so assessed, levied and collected, shall be subject to the appropriations by the said trustees or a majority of them, towards the improvement and benefit of said town, and its additions or enlargements, as the case may be.

CHAPTER CCCCXIV.

An ACT to incorporate the Henderson Library Company.

Approved January 27, 1817.

SEC. 1. BE it enacted by the General Assembly of the Commonwealth of Kentucky, That Daniel Comfort, Samuel Hopkins, Adam Rankin, Samuel Legate, Ambrose Barbour and Uel Wilson, with the present, and those who may become shareholders of the Henderson library company, and their successors, be, and they are hereby made and constituted a corporation and body politic, by the name of the Henderson Library Company ; and by that name to have perpetual succession, and a common seal, with power to break, alter or change the same at pleasure.

SEC. 2. And be it further enacted, That the said corporation shall have power to purchase, receive and possess books, maps, charts and whatever appertains to literature, as well as goods and chattels, lands and tenements, by grant, gift or otherwise, for the use of said library ; and the same to grant, let, alien or assign, for the use and benefit of said corporation ; and the said

company, by the name aforesaid, may sue and be sued, plead and be impleaded, either in law or equity, in any court, or before any justice having jurisdiction of the case. 1816.

Sec. 3. That the said company shall have power to make all such by-laws, rules or regulations as they may deem necessary for the government of the said library company, or essential to the support, promotion and prosperity of the same: *Provided*, that the said company shall make no law, rule or regulation, contrary to the laws of this commonwealth. Make by-laws

Sec. 4. That the said library company shall be governed by, and subject to their present by-laws, rules and regulations, until by them the same shall be revoked, altered or amended. Present by-laws.

Sec. 5. *Be it further enacted*, That the appointment of the officers of said company at present in office, be, and the same is hereby confirmed, and the said officers shall continue in office until their successors shall be appointed. Appointment of officers.

CHAPTER CCCCXLVII.

An ACT to compel Circuit Judges to reside within the bounds of their Circuits.

Approved January 27, 1817.

Sec. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be the duty of each circuit judge who has been heretofore, or may hereafter be appointed and commissioned by and with the advice and consent of the senate, who does not at the time of his appointment reside within the bounds of his circuit, to remove into the same, within twelve months after he receives his commission; and if he shall fail to do so, and continue to reside therein, and furnish the evidence of his residence by having an entry made of record in the clerk's office of the county court in which he resides, that he is a resident within his circuit, a copy of which entry shall be transmitted by the clerk to the secretary of state, and by him filed in his office; or if he shall at any time remove out of the bounds of his circuit, his office shall be considered vacant, and the vacancy shall be immediately filled by an Shall reside in the district

1816.

May ex-
change terms

appointment to be made by the acting governor for the time being, of some fit person as judge of said circuit.

Sec. 2. *Be it further enacted*, That whenever occasion shall require, it shall be lawful for any two of the circuit judges to exchange a term or terms, in the whole, or any part of their several circuits; and each judge shall be authorised to preside in the circuit of the other, as long as they may deem it necessary.

CHAPTER CCCCXLVIII.

An ACT to establish an Election Precinct in the County of Livingston.

Approved January 28, 1817.

Boundary.

Sec. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*. That all that part of Livingston county, included in the following boundary, viz. Beginning at the mouth of Tennessee river; thence up the Ohio river, to the mouth of Bayou creek; thence up said creek so as to include Jesse S. Robertson's; from thence a direct line to intersect the Cumberland river at the mouth of Sandy creek; thence up said river to the Caldwell county line; thence with the Caldwell county line to the Tennessee river, and down said river to the beginning, shall be, and the same is hereby erected into an election precinct in said county of Livingston; and that the qualified voters in said precinct shall meet at the house of Thomas Champion, in the town of Smithland, for the purpose of voting.

Appoint
judges, clerk
&c.

Sec. 2. *Be it further enacted*, That the county court of Livingston, at the time of appointing clerk and judges to their other elections, shall also appoint a clerk and judges to preside and hold an election in said precinct; and it shall be the duty of the sheriff of the county, by himself or deputy, to attend and conduct the election in said precinct; which election shall be governed by the same rules and regulations as are now prescribed by law.

Sheriff's du-
ty.

Sec. 3. *Be it further enacted*, That the sheriff who presides at this election precinct, shall meet the sheriff who presides at the court house in said county, on the first Saturday succeeding the said election, compare the

polls and make return agreeably to the constitution and laws of this state. 1816.

Sec. 4. *Be it further enacted*, That any qualified voter may, notwithstanding he resides in said precinct, vote ^{May vote,} _{where,} in any other precinct in said county.

CHAPTER CCCCXLIX.

An ACT for the benefit of Benjamin Fisher,

Approved January 28, 1817.

He had purchased the land granted to Joseph Love, in the year 1811, on condition of erecting iron-works: This act gave him three years longer time to locate and survey the land.

CHAPTER CCCCL.

An ACT for the benefit of the infant heirs of Edmund Taylor, deceased, of Campbell County.

Approved January 28, 1817.

The act authorised the administratrix and guardian to compromise the disputes on certain lands descended to them.

CHAPTER CCCCLI.

An ACT for the benefit of the Securities of William Johnston, late Sheriff of Shelby County.

Approved January 28, 1817.

The act gave them nine months to pay the principal, released the interest, costs and damages, and appointed commissioners to ascertain the proportion each one should pay.

CHAPTER CCCCLII.

An ACT for the relief of John M'Ferrin, Sheriff of Barren County.

Approved January 28, 1817.

He had paid into the treasury more than was demandable from him: This act authorised a re-payment.

DECEMBER SESSION,

1816.

CHAPTER CCCCLIII.

An ACT further to suspend Law Process in certain cases.

Approved January 28, 1817.

The acts referred to will be found in pages 260 and 369, of this Volume ; but the first act passed in 1815, instead of 1814.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That the act entitled "an act further to suspend law process in certain cases." approved February 9th, 1816, shall be, and the same is hereby revived and continued in force, from and after the first day of February 1817, until the first day of February 1818, and no longer ; that all acts and parts of acts suspended by the provisions of this act, and of the said recited act, and of the act approved the 4th of February 1814, further to suspend law process in certain cases, shall be revived and continue in full force, from and after the expiration of this act.

CHAPTER CCCCLIV.

An ACT authorising the Trustees of the Town of Maysville to sell their public ground.

Approved January 28, 1817.

CHAPTER CCCCLV.

An ACT to prevent the circulation of private Notes in this Commonwealth.

Approved January 28, 1817.

Preamble.

WHEREAS much fraud has been committed, and great loss will probably ensue to the credulous, from the emission and circulation of notes drawn by individuals and passing by delivery : Therefore,

The emission of private notes intended as a circulating medium, &c. prohibited.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That whosoever shall, after the passage of this act, emit or set forth any bond, bill or note, whether written or printed, drawn payable to A. B. or order, or to the order of A. B. ; to A. B. or bearer, or to any person whomsoever, whether expressing to order or bearer or not ; or any note which, upon

the face of it, purports to pass by delivery, and to be payable to the holder; or any note declaring on its face, that it will be good at any particular place, or that it will be received in exchange for any kind of bank notes; or any note which is issued for the purpose of passing as a circulating medium, unless in compliance with a fair and *bona fide* contract, and for valuable consideration, passing from the drawer to the drawee, or in discharge of a debt from the drawer to the drawee, the payer to the payee, the obligor to the obligee, such person or persons so emitting or setting forth said bonds, bills or notes, shall, upon conviction, forfeit and pay ten times the amount of said notes, &c. so set forth and emitted; one half of said penalty to be the property of the informer, the residue to be applied to lessening the county levy; the said forfeiture to be sued for and recovered before a magistrate, or before the circuit court, if above the jurisdiction of a magistrate; and in any action or warrant for such recovery, it shall be sufficient to mention the amount of such note or notes, and that it has issued contrary to the provisions of this act, without a more precise description of the offence; and when execution shall issue upon such judgment, the magistrate or clerk (as the case may be) shall endorse on the same that "no security shall be taken."

Sec. 2. *Be it further enacted*, That whosoever shall pass or circulate, or attempt to pass or circulate, any bond, bill or note heretofore described, which may have been issued, or which hereafter may be issued, without first endorsing his, her or their name upon the same, shall be fined not less than five, nor more than ten times the amount of said bonds, bills or notes so passed or circulated, or attempted to be passed or circulated, by any magistrate to whom the same may be known, or by the circuit court in any suit brought for that purpose; one half of said fine to be paid to the informer, the other to be applied to diminishing the county levy; and no security shall be taken, whereby to delay or stay the payment of said fine; and all endorsements so made by any person passing said note or notes, bond or bonds, pursuant to this section of this act, shall be construed in law so as to make the endorser or assignor absolutely liable for the amount of the note so endorsed, in the

1816.

Penalty for violating the provisions of this section.

How recovered & applied, & the mode of proceeding to be observed in such case.

Penalty for passing or circulating private notes without a regular assignment thereon in writing.

How recovered & applied.

The construction to be given this section as to the endorser.

1816. first instance, without any application to the drawer or obligor.

Sec. 3. Be it further enacted, That it shall and may be lawful for the holder of any bill, bond or note above described, which may heretofore have issued, or which may hereafter issue, to present the same to the drawer, endorser or assignor of such bond, bill or note, (if there be an endorser or assignor, according to the provisions of the second section of this act) at his option, and demand payment; and should said drawer, endorser or assignor fail or refuse to pay, the holder may sue for and recover the amount of such bill, bond or note, together with ten per cent. damages and triple costs, from said drawer, endorser or assignor, (as the case may be) before a magistrate, or before the circuit court; and the defendant in such case shall not be at liberty to delay the plaintiff in collecting his money by replevin.

Sec. 4. And be it further enacted, That nothing in this act contained shall be so construed as in anywise to affect the issue and circulation of bills of lawful and incorporated banks, or notes negotiated at a lawful bank, or any bill of exchange in the fair course of trade, or to any note which may exceed the amount of two dollars.

Sec. 5. And be it further enacted, That it shall be the duty of the circuit judges of this commonwealth, at each court holden by them where a grand jury is summoned, to give this act in charge to said jury; who, upon the testimony of one witness, whether of their body or not, shall present any and every violation of this act; and the person presented, upon conviction, shall be fined, with costs, according to the provisions of this act; and in such case, if there be no prosecutor or informer, or if there be one and he shall waive his right to a moiety thereof, the whole shall go towards lessening the county levy; and the attorney for the commonwealth shall prosecute said presentments as other penal cases.

This act shall commence and be in force from and after the first day of May next, and shall continue in force until the first day of February 1818.

The holder of a private note above described, may recover the amount thereof, either from the drawer, endorser or assignor, with damages and costs, at his election.

Certain notes &c. not within the provisions of this act.

Circuit courts to give this act in charge to grand juries.

Proceedings under presentments by grand juries.

Commencement and expiration of this act.

CHAPTER CCCCCLVI.

1816.

An ACT concerning the Towns of Versailles and Glasgow.

Approved January 28, 1817.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That the trustees of the town of Versailles, who are now in office, shall continue in office, as trustees of said town, until the last Saturday in May next, on which day, annually, there shall be an election held in said town for trustees; which election shall be advertised at three public places in said town, at least ten days before the commencement of the election, and shall be conducted by the clerk of the board and one of the trustees then in office, and it shall be the duty of the clerk, when the election is closed, to enter on record the names of the persons elected, in a book to be kept for that purpose.

Election for trustees in Versailles, when to be held and how conducted.

SEC. 2. *Be it further enacted,* That it shall be lawful for the free male inhabitants within the limits of said town, above the age of twenty-one years, who would be entitled to a vote at an election for representatives, and all persons who are the owners of any lot or lots in said town, to vote at any election for trustees.

The persons entitled to vote for trustees.

SEC. 3. *Be it further enacted,* That if at any time it should so happen that an election should not be held agreeable to the provisions of this act, the trustees in office shall remain until an election shall be had; and the trustees shall meet and appoint some day on which it shall take place, and direct their clerk to advertise the same, at least twenty days before it shall take place. The trustees shall appoint a clerk, who shall hold his office during good behavior; but in case of misbehavior in office, a majority of two-thirds of the trustees may remove him from office and appoint another.

Provision in case no election for trustees is held.

SEC. 4. *Be it further enacted,* That the trustees shall have power to make conveyances, in the same manner that trustees are now directed to make conveyances by law; to make orders, and cause the streets and alleys in said town to be repaired, and to cause all nuisances and obstructions within the limits of said town, to be removed at the expence of the person or persons who occasioned them; and if the person or persons who caused such nuisance, shall refuse to pay such expence, the trustees shall have a right to apply to any justice of the

May appoint and remove their clerk.

Powers granted the trustees, &c.

1816.

peace for the county of Woodford, for a warrant in their name against such person or persons; and if it shall appear to the justice trying the same, that the nuisance removed was occasioned by such person or persons, he shall give judgment for the amount paid by the trustees for such removal, with costs, and shall issue execution therefor as in other cases.

May impose taxes.

Sec. 5. *Be it further enacted.* That the trustees of said town may impose a tax for the improvement of said town, on the titheables and property, real and personal, within the limits of said town, in any manner they may think the most equitable, not to exceed the sum of five hundred dollars, annually; and appoint a collector, who shall be authorised to coerce the payment, in the same manner that sheriffs are authorised by law to compel the payment of the revenue: *Provided, however,* that the debtor shall have twenty days' notice that the tax is laid; and if the debtor shall be an infant or non-resident, the notice shall be given to their agent, attorney, executors, administrators or guardian.

Appoint a collector.
His duty.

Proviso.

May compel the paving of the streets, &c.

Sec. 6. *Be it further enacted.* That the said trustees may at any time, on the request of a majority of the owners of lots on any street or part of a street, order the same to be paved with brick or stone; and if the owners of any lot or part of a lot or lots, having two months' notice in writing of said order, shall refuse to have the pavement made agreeable to said order, the trustees shall have full power, and are hereby authorised to cause the same to be paved, and make out the account therefor against the owner of such lot or lots or parts of lots; and if the person who is thus made debtor shall refuse to pay the same, it shall be lawful for the trustees to sue for and recover the same before any justice of the peace, or in the circuit court, as may best suit the amount; and if the debtor shall be an infant, the notice shall be given to, and the suit brought against the guardian of such infant.

May enact by laws, &c.

Sec. 7. *Be it further enacted.* That the trustees of said town shall have full power to pass such by-laws and ordinances, and make such regulations as they, or a majority of them, may think necessary, for the better regulation of said town, not contrary to the laws and constitution of this state or of the United States.

Sec. 8. *Be it further enacted*, That no person shall be eligible to the office of a trustee, who is not a freeholder and an inhabitant of said town; and in case of a vacancy by death, resignation or otherwise, the remaining trustees, as soon as may be, shall proceed to fill such vacancy.

1816.

Qualifications
of a trustee.

Sec. 9. *Be it further enacted*, That the trustees of said town shall have full power, and are hereby authorised to form and organize a fire company in said town, and appoint the officers therefor from time to time, and shall pass such by-laws for the government of said company as a majority may think necessary, and may inflict such fines on all males over sixteen years old, resident within the limits of said town, for failing to attend at any time when ordered by the captain of the company, or failing or refusing to obey the order of the captain when there, or for failing to bring their fire-buckets, as they may deem proper: *Provided*, such fine shall not exceed three dollars for any such offence; nor shall such exercise be oftener than once in four weeks, nor shall the men be detained longer than four hours at any one time, except in cases of alarm of fire; and the parent, guardian or master shall be liable for the fines imposed on their sons, apprentices or wards.

Powers in relation to the organization and government of a fire company.

Sec. 10. *Be it further enacted*, That the trustees of the town of Glasgow, in the county of Barren, are hereby authorised to organize the free male inhabitants of said town above fifteen and under forty-five years old into a company for the purpose of extinguishing fires; and to ordain such regulations for the exercising and government of the company, as may be considered necessary, and to enforce such regulations by ordaining such fines for the negligence and disobedience thereof, as may be considered reasonable and sufficient, not exceeding five dollars for each neglect or disobedience; which fines shall be recoverable and collectable as other fines for breaches of the by-laws of said town, and in like manner appropriated.

Certain powers vested in the trustees of Glasgow in relation to the organization and government of a fire company.

Sec. 11. *Be it further enacted*, That the said trustees are hereby authorised to levy and collect a tax *ad valorem* upon the lots and their improvements of said town for the purpose of procuring buckets and a fire engine for the use of the above company, not exceeding one thousand dollars.

May impose and collect an *ad valorem* tax to purchase fire engine.

1816.

May impose
an annual tax
on the per-
sons and pro-
perty of the
town.

To keep the
streets, &c. in
repair,

Com'r. & col-
lector of tax
to be appoint-
ed.

Their duties.

Further pow-
ers of trus-
tees.

Sec. 12. *Be it further enacted,* That the trustees afore-
said shall be authorised to levy and collect upon the
personal and real property of the town, instead of the
sum now authorised by law, any sum not exceeding five
hundred dollars annually; and may also levy and col-
lect off each free male above twenty-one, and male black
above fifteen years old resident in said town, any sum
not exceeding seventy-five cents, and on all free males
between fifteen and twenty-one years old, any sum not
exceeding thirty-seven and a half cents annually; with
which monies the trustees shall keep in repair the streets
and other public property of the town, and make such
other improvements as may be considered necessary and
advantageous.

Sec. 13. *Be it further enacted,* That the commission-
er of the town shall, when he takes in the list of the tax-
able property hereafter, also take a list in like manner
of all persons subject to a capitation tax in the town,
and return the same with the list of the property under
the penalty of twenty-five dollars; and the collector of
said town shall hereafter give his bond in the penalty of
double the sum collectable in the year for which he may
be appointed, instead of the penalty now provided by law.

Sec. 14. *Be it further enacted,* That the trustees shall
have the same power to remove nuisances within one
fourth of a mile from said town that they now have to
remove nuisances in the limits of said town; and all
persons living within one mile of the town and owning
property therein, shall be as eligible to the office of trustee
[as] if he lived in the bounds of the town.

Sec. 15. *Be it further enacted,* That the said trustees
shall have power to prohibit by an ordinance burying
the dead in the old grave-yard in said town, or on any
other lot, by which they may consider the town water
would be injured, designating such lot in the ordinance;
and should any person or persons infract or cause to be
broken such by-law, after its promulgation, he, she or
they shall be fined in any sum not less than one hundred
dollars, nor more than two hundred dollars, recoverable
before the circuit court in a suit in the name of the
trustees; which fines shall be for the use of the town
as other fines now are.

Sec. 16. *Be it further enacted,* That the said trustees
are hereby authorised to hold and possess within one

mile of the town, any quantity not exceeding three acres of land, for the purpose of a burying ground for the use of the town, which they may have, or may hereafter purchase, and the payment of the same out of the funds of the town, shall be good and valid, and they shall improve and keep the same in repair in like manner, and out of the same funds as other public town property, and exercise the same authority over such ground as were it situated in the town; and the title to said ground so purchased, shall vest in the said trustees and their successors forever, and shall be held exempt from taxation.

1816.

Sec. 17. That the trustees of said town shall appoint a town officer, whose duty it shall be to give information of all infractions of the laws of the town, and to cause to be executed all the orders of trustees as to repairs and improvements on the streets and other public property of the town, to whom they shall make a reasonable compensation, but he shall be removable at the pleasure of the trustees.

Sec. 18. *Be it further enacted*, That no inhabitant of said town, shall be hereafter required to labor on the streets of said town, any law to the contrary notwithstanding.

Inhabitants of the town exempted from working on streets.

CHAPTER CCCCLVII.

An ACT for the relief of the Widow and Heirs of Abraham Rainey.

Approved January 28, 1817.

The act appointed commissioners to sell for their benefit, a small tract of land in Scott county.

CHAPTER CCCCLVIII.

An ACT for the benefit of the Heirs of John M^r Bee.

Approved January 28, 1817.

The act appointed commissioners with power to arbitrate or compromise conflicting claims, bring suits and sell and convey lands.

1816.

CHAPTER CCCCLIX.

An ACT to establish election Precincts in the Counties of Clay, Warren, Hardin, and for other purposes.

Approved January 23, 1817.

Election pre-
cinct estab-
lished in Clay

Boundary.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That all that part of Clay county, included in the following bounds, viz. Beginning at Allen's mill on the south fork of the Kentucky river, and running thence to David Clark's, on Sexton's creek; thence to William Allcorn's, on Sturgeon creek; thence to the Madison county line, so as to include Elisha Harrison; thence with the line dividing Madison and Clay counties, to the Estill county line; thence with the line dividing Estill and Clay counties, to the dividing ridge between the south and middle forks of the Kentucky river; thence with the said ridge to where the road leading from the north fork salt-works to Clay court-house, crosses the same; and from thence to the beginning, shall be, and the same is hereby erected into an election precinct, and that the qualified voters in said precinct, do meet at the house of Joseph Roberts in said precinct, for the purpose of voting in all legal elections.

County court
to appoint of-
ficers.

SEC. 2. *And be it further enacted,* That the county court of Clay, shall at the time they appoint clerks and judges to preside at the elections for the balance of the county, also appoint a clerk and judges to preside at the election to be held in said precinct; and it shall be the duty of the sheriff of said county to attend by himself or deputy, and conduct the election to be held in the said precinct, which election shall be governed by the same rules and regulations as are now prescribed by law.

Sheriff's to
compare
polls.

SEC. 3. *Be it further enacted,* That the sheriff who presides at the election to be held in said precinct, shall meet the sheriff who presides at the election held at the court house in said county, on the fifth day after the commencement of said election at the said court-house, and compare the polls, and make return agreeable to the constitution and laws of this state.

Election pre-
cinct estab-

SEC. 4. *Be it further enacted,* That all that part of Warren county included in the following boundary, viz. Beginning on the Logan county line, one quarter

of a mile north of Joseph Sloss'; running thence to captain John Harpool's; thence a direct line so as to intersect Trammell's fork four miles below where the line dividing Warren and Allen counties crosses said fork; thence up the said fork to the line dividing said counties; thence south-west with said line to the Tennessee state line; thence with the state line to the Logan county line; thence with said line to the beginning, shall be, and the same is hereby erected into an election precinct, in the said county of Warren; and that the qualified voters in said precinct, do meet at the house of John Adams in said precinct, for the purpose of voting in all legal elections.

1816.

lished in Warren, and boundary.

Sec. 5. *Be it further enacted*, That all that part of Hardin county included in the following boundary, to wit: Beginning at the mouth of Knob creek; thence running up said creek to the forks thereof; thence up the left hand fork to the head thereof; thence to John Dye's; thence to Alexander M'Douglas'; thence to Thomas Bean's; thence due south, to the south precinct line; thence with said line to the Green county line; thence with the line dividing Green and Hardin counties, to the Washington county line; thence with the line dividing Washington and Hardin counties, to the Rolling fork; thence down the same to the beginning, shall be, and is hereby erected into an election precinct, in the said county of Hardin; and that the qualified voters in said precinct, do meet at the house of George Sypes on Otter creek in said county, for the purpose of voting in all legal elections.

Election precinct established in Hardin.

Boundary.

Sec. 6. *Be it further enacted*, That the county courts of Warren and Hardin counties, at the same time they appoint a clerk and judges to preside at the elections for the balance of the said counties, shall also appoint a clerk and judges to preside at the election to be held in the precincts, in said Warren and Hardin counties hereby directed; and it shall be the duty of the sheriff of the said counties of Warren and Hardin respectively, to attend the said elections by themselves or deputies, as in other cases; and the said sheriff, clerk and judges, shall be in all cases governed in conducting said elections to be held in said precincts, as if the same were held at their respective court-houses.

Courts of Warren and Hardin to appoint officers

1816.
 Sheriffs to
 compare
 polls.

Sec. 7. *Be it further enacted*, That the sheriff or deputy who shall preside at the elections in the said precincts, shall meet the sheriff who presides at the court-house of the said county to which such precinct belongs, at their respective court-houses, on the fifth day after the commencement of said election, and shall then and there together compare the polls, and make return agreeable to the constitution and laws of this state.

Place of hold
 ing election
 in the pre-
 cinct in Ohio
 changed.

Sec. 8. *Be it further enacted*, That the election to be held in the precinct in Ohio county, shall hereafter be held at the house where David Kelley now lives in said precinct; and that all qualified voters in Ohio county, may vote indiscriminately either at the court-house or precinct; and that so much of the act erecting said precinct, as directs elections to be held at the house of Benjamin Kelley, be, and the same is hereby repealed.

CHAPTER CCCCLX.

An ACT for the benefit of the Heirs of William Morgan, deceased.

Approved January 28, 1817.

The act authorised the guardian to adjust the disputes in the lands descended to them, and to sell the lands and vest the proceeds in bank stock.

CHAPTER CCCCLXI.

An ACT for the better regulation of the Town of South Frankfort.

Approved January 28, 1817.

Election for
 trustees,
 when to be
 held & how
 conducted.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be lawful for the inhabitants of the said town who are entitled to vote for representatives to meet at the house of Edward S. Coleman in said town, on the first Saturday in March next, and elect five persons trustees thereof; which election shall be conducted by one or more of the former trustees, and a return of the persons elected shall be made to the clerk of the board of trustees, which shall

be recorded in their books. The said trustees shall continue in office until successors are elected and qualified.

1816.

Sec. 2. No person shall be a trustee of said town unless he be a housekeeper therein.

Qualifications of trustees.

Sec. 3. In case of vacancy, a majority of the remaining trustees shall fill it.

Trustees to fill vacancies.

Sec. 4. The trustees shall each take an oath to discharge the duties of their office without favor, affection or partiality, before they proceed to act.

To take an oath.

Sec. 5. They shall meet on the Saturday succeeding the election, directed in the first section of this act, and once in each month or oftener, if necessary thereafter. If any trustee shall be absent for three successive stated meetings without a reasonable excuse, his seat may be declared vacant by a majority of the remaining trustees.

When to meet, &c.

Sec. 6. A majority shall be sufficient to form a board and do all business. They shall have power to appoint a clerk and prescribe his duties; to make by-laws and regulations for the purpose of repairing the streets and alleys, and for the better regulation of the said town, not inconsistent with the constitution or laws of this commonwealth; to erect a market-house, and keep it in repair; to appoint a clerk of the market, and prescribe his duties; to make by-laws and ordinances for the government of the market, and to affix penalties for the breach thereof, not exceeding ten dollars.

Their powers.

Sec. 7. The said trustees shall have power in the month of March next, and in each succeeding year to appoint one or more persons to take lists of the free male inhabitants of said town over the age of twenty-one years, and to assess the value of the real and personal property therein on the first day of April in each year, and prescribe the time and manner in which he shall make return thereof to the board of trustees. They shall have power to lay and collect a poll tax on the persons contained in said lists, not exceeding one dollar a year; to lay and collect a tax on the real and personal property aforesaid, not exceeding twenty-five cents for every hundred dollars of the assessed value thereof; to impose a tax on any person who for compensation may exhibit any shew or fete in said town,

May impose and collect taxes.

1816.

not exceeding the sum of five dollars a day, for any shew or fete.

To appoint
collector.

Sec. 8. They shall have power to appoint a collector or collectors of taxes, to require of him or them bond and security, for the faithful discharge of duty in collecting and accounting for the said taxes; who shall be liable to the same penalties, and may be proceeded against in the same manner as is provided in the sixteenth section of an act to amend the several laws concerning the town of Frankfort, approved February 1st, 1812.

Sec. 9. The 21st, 22d, 23d and 24th sections of the above recited act, shall be, and are hereby declared to be applicable to and in force in the town of South Frankfort.

Duty of col-
lector.

Sec. 10. The collector of the said taxes shall after such time as may be fixed by the said trustees, proceed to collect the same by distress and sale of slaves or goods and chattels, of the delinquent or delinquents, which may be found within the said town; and if no slaves or goods and chattels be found therein belonging to the owner of property, real or personal, assessed as aforesaid, the collector may proceed to sell the real estate so assessed, or so much thereof as will be sufficient to discharge the tax due thereon: *Provided*, the time and place of sale be advertised for four weeks in some newspaper printed in Frankfort, before the day of sale. But such real estate shall be redeemable at any time within three years from the day of sale, upon the owner or any one for him paying the amount of such tax and an interest of 100 per cent. a year, and also all taxes that may become due thereon, subsequent to the sale: *Provided also*, that infants, *feme coverts* and persons insane, shall have the term of three years after their respective disabilities are removed, to redeem their property, upon paying the tax without interest, and also all taxes that may have become due thereon subsequent to the sale.

Proviso.

Proviso.

Further duty
of assessor &
collectors.

Sec. 11. The said assessor or assessors shall have power in assessing real estate, where the owner or owners are unknown, to designate the property by the number or numbers of the lot or lots as represented in the plan of the said town; and the collector or collectors may sell the same according to such designation, proceeding in such sale agreeable to the provisions of the 10th section of this act.

XXV. YEAR OF THE COMMONWEALTH.

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Sec. 12. The said collector or collectors, shall make due returns to the said trustees of each lot sold for taxes, the price at which it sold, to whom sold, and the day of sale, which shall be entered in a book to be provided by the clerk ; and after the expiration of the time of redemption as aforesaid, the trustees in office or a majority of them, shall on application of the purchaser or his representative, execute a deed for the lot or lots so sold and unredeemed ; which deed shall be good and valid to pass the right and title of such delinquent or delinquents.

1816.

Sec. 13. The said trustees shall have power to make any alteration in the plan of the said town, respecting streets or alleys, provided that the owners of the lots binding on and adjacent thereto, give their consent in writing ; which writing shall, on proof of two subscribing witnesses, or the acknowledgment of the party, be recorded in the proceedings of the said trustees.

Further powers of the trustees.

Sec. 14. On the first Saturday in March in each year, after the election provided for in the first section of this act, an election for trustees shall be held, which shall be conducted by one or more of the acting trustees, who shall make return of the persons elected to the clerk of the said board, who shall record the same. If in any year the said trustees shall fail or neglect to hold an election, the acting trustees shall continue in office until the next annual election, and their successors be duly qualified.

Further regulations.

Sec. 15. The said trustees shall appoint a clerk during good behavior, but he may be removed for any cause which a majority of the trustees may deem sufficient ; he shall take an oath before some member of the board, that he will discharge the duties of his office faithfully ; he shall annually execute a bond, in such penalty and with such security as the board may require, conditioned to discharge all duties which may be enjoined him by law or by the board. He shall receive all monies collected for taxes or paid for the redemption of lots sold, and shall pay out the same to such person as the board may direct.

Sec. 16. *And be it further enacted*, That in addition to the number of justices of the peace to which the county of Franklin is now entitled by law, one shall be appointed and commissioned within the said town.

1816.

DECEMBER SESSION,

CHAPTER CCCCLXII.

An ACT for the benefit of Caty and Rosa Bennett.

Approved January 28, 1817.

The act released to them the commonwealth's right by escheat to the estate of their reputed father, Thomas Bennett, who had died intestate and without lawful heirs.

CHAPTER CCCCLXIII.

An ACT to provide for the collection of the Revenue of Hopkins County, for the year 1815.

Approved January 28, 1817.

Had its effect.

CHAPTER CCCCLXIV.

An ACT for the benefit of the heirs of John Jackson and James W. Brand, deceased.

Approved January 28, 1817.

The act appointed commissioners to execute deeds of conveyance for land sold.

CHAPTER CCCCLXV.

An ACT to legalise certain proceedings of the Warren Seminary.

Approved January 28, 1817.

The surveyor, in making out the plats and certificates of survey for the donation land, had styled it the Bowling-Green, instead of the Warren seminary: This act declared that the grants should enure to the benefit of the Warren seminary, and that all sales made under them should be valid.

CHAPTER CCCCLXVI.

An ACT for the benefit of the Sheriff of Caldwell County.

Approved January 28, 1817.

The act gave him longer time to return a delinquent list.

XXV. YEAR OF THE COMMONWEALTH.

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CHAPTER CCCCLXVII.

1816.

An ACT for the benefit of Joshua Cates.

Approved January 28, 1817.

See Chapter 286, page 310, of this Volume.—This act allowed him time until the first day of January 1818, to make and return the surveys authorised by that act.

CHAPTER CCCCLXVIII.

An ACT for the benefit of Marlbro, a person of color.

Approved January 30, 1817.

He had been purchased and paid for by his son, who was a free man of color, and had died intestate, without having executed a deed of emancipation: This act declared him free.

CHAPTER CCCCLXIX.

An ACT authorising the County Court of Fayette to levy and collect a Tax not exceeding three thousand Dollars, for the benefit of the Fayette Hospital.

Approved January 30, 1817.

CHAPTER CCCCLXX.

An ACT authorising the sale of part of the Public Ground in the Town of Danville, and incorporating the Trustees of the Danville Academy, and for other purposes.

Approved January 30, 1817.

WHEREAS it is represented to the present general assembly of the commonwealth of Kentucky, that since the abolition of the district court, a large portion of the ground devoted, during its existence, in the town of Danville, to public uses, has remained unapplied to any advantageous general purpose; and as said ground, from its situation, would command a price sufficient for the liberal establishment of an academy: Therefore,

Recital.

SEC. 1. BE it enacted by the General Assembly of the Commonwealth of Kentucky, That the trustees of the said town of Danville, are hereby authorised and directed to sell to the highest bidders, on the first day of next March, after having advertised such sale for two weeks

Trustees of Danville empowered to sell part of the public ground.

1816.

preceding said time, in some public newspaper of the state, all that part of said public ground which fronts the street running from the corners owned by George Norton and Mrs. Strong, and passing Dr. M'Dowell's present dwelling-house, running back and including one third of the depth of said public ground.

To apportion
the part to be
said.

Sec. 2. *Be it further enacted*, That it shall be the duty of said trustees, or a majority of them, to divide the said portion of the public ground in the town of Danville, into such number of equal lots, not less than four, as to them may seem advantageous; and that on the day of sale, they shall be sold individually, to the highest bidder, at a credit not exceeding two years, he giving bond with approved security, for the payment of the amount of the purchase money.

Money, when
collected, to
be paid over.

Sec. 3. *Be it further enacted*, That all sums collected on bond taken in the manner above prescribed, shall be paid into the hands of Joshua Barbee, Jeremiah Fisher, Ephraim M'Dowell, Richard Davenport, George Bast, David Bell and Michael Hope, or a majority of them, who are hereby authorised to receive them, and required to dispose of them in such manner as is hereinafter mentioned.

Trustees of
the Danville
academy in-
corporated

Sec. 4. *Be it further enacted*, That Joshua Barbee, Jeremiah Fisher, George Bast, Richard Davenport, Ephraim M'Dowell, David Bell and Michael Hope, are hereby constituted a body corporate, under the name of the Trustees of the Danville Academy, with all the general powers possessed by similar corporations.

Authorised
to purchase a
lot and erect
a house there
on.

Sec. 5. *Be it further enacted*, That the trustees of the Danville academy are hereby authorised to purchase, with the money paid into their hands by the trustees of the town of Danville, a lot of ground, not less than one acre, nor more remote from the public ground in said town than one half mile, for the use of the Danville academy; and they are hereby directed to build and complete, on said lot so purchased, such stone or brick house as the balance of the monies remaining in their hands will justify them in erecting, and as will be convenient for the purposes of an academy.

May convey
lots.

Sec. 6. *Be it further enacted*, That the trustees of the town of Danville are hereby authorised to convey titles to the purchasers of lots sold in the manner above prescribed. And all acts of the trustees of the Danville

academy, or a majority of them, shall be obligatory on the corporation. 1816.

Sec. 7. *Be it further enacted*, That the trustees of the town of Danville be authorised to raise one hundred dollars, additional to the tax raised by them at present. Additional tax.

Sec. 8. *Be it further enacted*, That the court-house in said town be, and the same is hereby vested in the present master and wardens of Franklin Lodge, No. 28, and their successors, for the use and benefit of said Lodge, under the rules, regulations and restrictions hereinafter mentioned. Court-house at Danville vested in Franklin lodge.

Sec. 9. *Be it further enacted*, That the said master and wardens, or their successors, be, and they are hereby authorised to take possession of said court-house, and to make such alterations in the upper rooms in said court-house, as the said master and wardens, or their successors, with the consent of said Lodge, may think proper; and the said master and wardens, or their successors, shall enjoy the free and entire possession of said house, for the purposes aforesaid, until the legislature shall otherwise direct, any law to the contrary notwithstanding. Members to take possession & make alterations as they may think necessary.

CHAPTER CCCCLXXI.

An ACT for the relief of Sally W. Boler.

Approved January 30, 1817.

The act remitted the balance of the state price due on 200 acres of land.

CHAPTER CCCCLXXII.

An ACT for the benefit of William Wright.

Approved January 30, 1817.

The act authorised the county court of Harrison to permit the erection of gates on the public roads which passed through his land.

CHAPTER CCCCLXXIII.

An ACT authorising Rudolph Neat to build a Mill on Green River.

Approved January 30, 1817.

1816.

CHAPTER CCCCLXXIV

An ACT to amend the act for the benefit of actual Settlers ; also to amend an act appropriating the vacant Land of this Commonwealth.

Approved January 30, 1817.

See Chapter 249, page 266, and Chapter 277, page 304, of this Volume.

Further time given actual settlers to appropriate vacant land.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That any person who was an actual settler on any vacant land in this commonwealth, on the first day of September last, shall have the exclusive right to appropriate the same at any time before the first day of September next, agreeable to an act of assembly entitled "an act for appropriating the vacant lands in this commonwealth," approved the 6th day of February 1815, and "an act for the benefit of actual settlers," approved December the 21st, 1815.

May cause as many surveys as he thinks proper.

SEC. 2. *And be it further enacted,* That it shall and may be lawful for any person who has heretofore, or may hereafter obtain a warrant under the act entitled "an act for appropriating the vacant lands in this commonwealth," approved the 6th day of February 1815, to cause the same to be surveyed in as many surveys as they may think proper: *Provided,* no survey shall be executed for a less quantity than fifty acres, except where the land intended to be appropriated is surrounded by prior claims ; and in that case the surveyor and register shall be governed by the act of assembly first mentioned in the first section of this act. And all surveys heretofore made, containing fifty acres or upwards, on any land warrant issued by virtue of said act, approved the 6th of February 1815, whether the same be bounded all round by other claims or not, may and shall be received into the register's office, any thing in any law to the contrary notwithstanding.

CHAPTER CCCCLXXV.

An ACT for the benefit of Henry Martin.

Approved January 30, 1817.

The act released the balance of the state price due on 100 acres of land.

CHAPTER CCCCLXXVI.

1816.

An ACT for the regulation of the Town of Scottville, and for other purposes.

Approved January 30, 1817.

WHEREAS it is represented to the present general assembly of the commonwealth of Kentucky, that no law exists for the regulation of the town of Scottville, in Allen county: For remedy whereof,

Recital.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That Thomas Gatton, John Buckannan, Daniel M. Jones, Alfred Payne and Samuel Garrison, gentlemen, are appointed trustees of said town of Scottville, to continue in office until the third Monday in February, in the year 1818, at which time the free white male inhabitants of said town, above the age of twenty-one years, together with those that are owners of lots in said town, (if they choose, shall meet at the court-house in the town of Scottville, and at the same time and place in every year thereafter, and elect five trustees for the said town, from among the citizens of said town, that are owners of lots, or that live within one mile of the same, a majority of whom shall be sufficient to constitute a board: *Provided, however,* that the trustees appointed by this act, or those who shall be elected in conformity to its provisions, shall in no case by operation of this law vacate their offices, until their successors shall be duly elected in the manner provided by this act.

Names of the trustees.

Citizens to elect trustees, and when & where.

Proviso.

Sec. 2. *Be it further enacted,* That the trustees appointed by this act, and their successors in office, shall, before they proceed to act as such, severally take an oath, to be administered by some justice of the peace, faithfully to discharge the duties of such office, without partiality, favor or affection.

Trustees to take an oath.

Sec. 3. *And be it further enacted,* That the trustees by this act appointed, and their successors, shall give ten days' notice by advertisement at the door of the court-house, of the time and place of holding their annual elections, and that two of their number, being designated by a board of trustees for that purpose, and their clerk, shall attend and conduct the elections for trustees. The first meeting of the trustees of said town of Scottville, shall be on the third Monday in February

Elections, how to be conducted.

First meeting of trustees.

1816. next, at the court-house: *Provided, however,* that if a majority of them should not attend at the time and place aforesaid, they may nevertheless hold their first meeting at such other time and place as they may think fit.
- To appoint a clerk, &c. who is to take an oath, &c. The said trustees, or a majority of them, at their first meeting, shall appoint a clerk, to hold his office during the pleasure of said trustees; but may, for good cause, be removed at any time, and another chosen. The clerk, before he enters on the duties of his office, shall take an oath, to be administered by either of the trustees, that he will, to the best of his skill and ability, make true entries of all the proceedings of said board of trustees, and that he will safely keep the books and papers given him in charge; and shall moreover acknowledge himself to be responsible to said board of trustees and their successors, for any neglect or malfeasance in office, and an entry thereof shall be made on the journals of said board; and the said clerk is hereby authorised to administer an oath to any person who may come before said board to give testimony.
- Clerk may administer oaths. Sec. 4. The said board, after being organised, may hold their meetings at such times and places as they may think proper, and shall have full power and authority to make and publish to the citizens, such by-laws, for the regulation, police and government of said town, as they may deem necessary, not inconsistent with the constitution or laws of this commonwealth.
- Power of the trustees. Sec. 5. *And be it further enacted,* That said trustees, or a majority of them, and their successors, shall have power to prevent swine running at large within the bounds of said town, and to levy and enforce the collection of a tax not exceeding one hundred dollars, annually, on the lots in said town, with the improvements thereon; also on all retail stores, taverns, slaves and horses, and possessed by any person within the limits of said town, and shall apply the said tax to such purposes as they may deem proper, for the benefit of said town of Scottville.
- To levy and collect taxes. Sec. 6. *And be it further enacted,* That said board of trustees are hereby authorised to appoint a commissioner, to obtain a list of each individual's property, both real and personal, subject to taxation by this act, within the town aforesaid; which commissioner, before he enters on the duties of his office, shall take an oath, to be
- Comm'r. to take an oath.

administered by some one of the trustees, or their clerk, that he will, to the best of his skill and ability, without favor, affection or partiality, discharge the duties enjoined on him; that is, that he will without delay call on each person whose property may be subject to taxation under this act, and the agents (if any) of those who hold property in said town and do not reside within the same, for a list of his or her property; which list being corrected, if necessary, and distinctly read over by the commissioner to the person delivering the same, he or she shall make oath or affirmation, to be administered by said commissioner, to the truth of such list; and the commissioner shall value the real property so listed, with the improvements thereon, and also the personal property taxed by this act, and enter the list so received and sworn to, together with the amount of such valuation, in a book, in alphabetical order; and in case of neglect or refusal of any person so called on to give a list as aforesaid, or in case of a person holding property in said town, but residing without the same, and having no agent therein, it should be lawful for the commissioner to make out a list thereof from the best information he can procure, and to fix the valuation thereof as aforesaid; and any person properly called on, who shall refuse to give such list, or shall give a false or fraudulent one, shall be fined by said board in any sum not exceeding twenty dollars, to be appropriated to the use of said town. And the said commissioner shall make return of the list of taxable property to said board of trustees, within sixty days after his appointment, under the penalty of twenty-five dollars: *Provided, however,* that any person who may think him or herself aggrieved by the valuation of said commissioner, may appeal to said board of trustees, who, if they see cause, may reduce or increase such valuation.

Sec. 7. And the said trustees shall have power to appoint a collector, whose duty it shall be to collect and account for all tax or fines, within ninety days after a list of the same shall be put into his hands; * and if any person shall refuse to pay the tax due from such person, the collector shall have power to seize and sell so much of his or her property as will make the sum due from him or her as tax. And the collector shall deliver the money so collected to the clerk of said board of trustees,

1816.

His duty.

Penalty for refusing to give in a list of property to comm'r &c.

And on com'r for not return ing a list to the trustees.

Proviso.

Trustees to appoint a collector. His duty and powers.

1816.
 Proviso.

deducting therefrom such compensation for his services as said board shall have agreed to pay him : *Provided, however,* that before the said collector shall enter upon the duties of his office, he shall give bond with approved security, to the board of trustees, in a penal sum, such as the board may designate, for the faithful discharge of the duties of his office ; and should he fail to comply with the conditions of said bond, the circuit court of Allen are hereby specially authorised and empowered, on motion of said board, to give judgment and award execution against said collector and his securities, for such sum or sums, with fifteen per cent. damages on the same, ten days' previous notice being given to such delinquent collector of such motion.

Trustees may
 impose fines
 for a breach
 of their by-
 laws.
 How recover-
 ed & applied.

Sec. 8. The said board of trustees are hereby authorised to lay such fine, not exceeding ten dollars, as they shall think proper, for a breach of such by-laws, rules and regulations as they may adopt under this act ; and all fines by them imposed, together with such as are pointed out by this act, (the collection of which is not otherwise provided for) shall be sued in the name of the board of trustees for the town of Scottville ; and the money recovered shall be applied to the benefit of said town : *Provided,* that no replevin shall be allowed on any judgment recovered by said board of trustees, for any fine or penalty under this act.

Clerk may is-
 sue subpoenas
 &c.

Sec. 9. The clerk of the board of trustees is hereby authorised to issue a subpoena or subpoenas, on the application of any person interested, for any witness or witnesses whose testimony may be deemed necessary in any matter of controversy depending before said board ; which subpoena or subpoenas may be directed to any sheriff or constable of the county where such witness may reside, whose duty it shall be to execute and return the same ; and if any witness so summoned shall fail to attend, he or she may be fined by said board in any sum not exceeding ten dollars, unless good cause shall be shown why he or she did not attend, having been first summoned to show cause, if any ; and if any sheriff or constable who shall receive any such subpoena or subpoenas, shall fail to execute and return the same, he shall be fined by said board in any sum not exceeding fifteen dollars, unless he can show good cause for such neglect, having been first summoned to show cause.

Witnesses
 summoned &
 failing to at-
 tend may be
 fined.

Sec. 10. The said board of trustees are authorised to make such allowance as they may deem proper, to their commissioner, collector and clerk, to be paid out of any money to be collected by this act. 1816.
Further powers.

Sec. 11. A majority of the whole number of trustees shall at all times be a sufficient number to constitute a board and do business.

Sec. 12. If any vacancy shall happen by death, resignation or otherwise in said trustees, it shall be filled by the trustees for the time being; and the person so appointed shall remain in office until the next annual election of trustees. Vacancies,
how filled.

Sec. 13. *And be it further enacted,* That the said trustees shall have the power of settling and determining all disputes which may arise relative to the boundaries of the lots in said town; and they shall have power to remove, or cause to be removed all obstructions and nuisances which now exist, or may hereafter be placed in the streets of said town; and the said trustees or their successors, shall have power and authority to regulate and prescribe the manner and kind of posts or side railing which are required or may be placed in front of the side-walks of the streets in said town, and the width of said walks, and may by their ordinances, publish and stick up on the court-house door the height and description of such posts or hand-railing, and for paving the said walks, under such fines, forfeitures and penalties, as a majority of the trustees may deem necessary, recoverable in the same manner and under the same rules and regulations that other fines and forfeitures as are heretofore prescribed in this act. Trustees have
power to settle
disputes
about bounda-
ries of lots, to
abate nuisan-
ces, &c.

Sec. 14. *And be it further enacted,* That the trustees of said town may, if they think proper, appoint annually some fit person a surveyor of the streets of said town, whose duty it shall be to cause the streets of said town to be kept in repair. (agreeable to the direction of said trustees,) who shall have power to call to his assistance all the white and black males in said town, over the age of fifteen years, to work on said streets twelve days in each year or more if necessary; and every person within the bounds of said town, who shall come within the above description, being required by the surveyor to work on said streets, (and the surveyor shall direct proper and suitable implements for said May appoint
a surveyor of
the streets.

His duty &c.

1816.

Fines imposed on persons refusing to work on streets.

How applied and by whom paid in certain cases.

Surveyor may be fined for neglect of duty.

work,) who shall fail or refuse so to do, shall, unless he shall shew good cause for such failure, pay one dollar for each day he shall so fail, to be recovered by the said surveyor, on warrant before some justice of the peace, to be applied to repairing the streets of said town. Any fine or forfeiture imposed or incurred by this act, in relation to infants, apprentices or slaves, shall be paid by the parent, master or guardian of such delinquent; and the surveyor may be fined by the board of trustees for any failure of his duty as surveyor, any sum under five dollars; and the board of trustees may award such surveyor what sum they may deem proper for his services as surveyor, out of the tax levied by said board annually.

Certain lots to be sold, & how and by whom.

Sec. 15. *And be it further enacted*, That whereas there are certain lots laid off within the town of Scottville, that are unsold, being held in reserve for purposes of public utility, such as for a house of worship, a seminary, a school-house and market-house, &c. Therefore, the trustees of the town of Scottville in conjunction with an equal number of the county court to be designated by said court for that purpose, shall be and they are hereby fully authorised to dispose of said lots as to them shall appear most conducive to the welfare or advantage of the town and county: *And provided* it should appear to be the result from the sale of a part or the whole of such lots, seven of said board of trustees and magistrates agreeing thereto, then, and in that case, they shall designate three of the board to make sale and convey the same to the purchaser or purchasers thereof, in manner and form as the other lots of said town were conveyed, and appropriate the amount arising from said sale or sales to the mutual benefit and advantage of town and county, at such time, and in such way or manner as may seem most advantageous to the above mentioned majority of said board: *Provided, however*, that the trustees of said town shall be possessed of all the east end of that lot on which the jail and stray-pound stands, parallel with the east end of said stray-pound, across said lot, all that part east of said stray-pound, for the purpose of a market-house; and said trustees of the town of Scottville are hereby authorised to sink or cause to be sunk, a well on the north-west angle of the public square, if they shall deem it

Money how to be applied.

Proviso.

Trustees to sink a well.

advantageous so to do, and make such regulations for the management and use of said well, as they may deem most conducive to the general welfare of the citizens of town and county, &c.

1816.

Sec. 16. *And be it further enacted,* That as soon as a board of trustees for the town of Scottville are organised according to this act, and have qualified a clerk, that it shall be lawful, and said clerk is hereby authorised to call on the clerk of the court of Allen county and the clerk of the trustees for laying off the town of Scottville, (if any such clerk) for all and every of the books and papers, plan and plans of, and belonging to said town of Scottville, and receipt to said clerk or clerks for the same; and if said clerk of Allen court or said clerk of trustees, (if any such there is,) shall refuse to deliver up to said clerk of the trustees the book or books, papers, plan or plans aforesaid, or any part or parcel thereof, a board of said trustees may enter suit for the same, and the circuit court are hereby authorised to give judgment against such delinquent or delinquents, for damages, in any sum under one thousand dollars; said delinquent or delinquents having ten days' notice of such motion.

Further duty
of the clerk
of trustees.

And whereas the lots of said town of Scottville are numbered in an uncommon, awkward and unseemly manner; therefore the trustees of said town are hereby authorised to alter said numbers as to them may seem proper: *Provided, however,* that said alteration in said numbers shall by no means tend to alter or alienate the property of said lots, as to the proper owners or proprietors or purchasers of said lots.

The trustees
authorised to
alter the num-
bers of the
lots, &c.
Proviso.

And whereas, there were trustees appointed by the county court of Allen, for the purpose of laying off said town of Scottville and the management thereof: And whereas, those duties assigned them, have been performed, it is hereby declared that they have no further power or control in or over any of the business or matters of or for said town or any matter appertaining thereto, any thing to the contrary notwithstanding.

The power of
the trustees
heretofore ap-
pointed de-
clared at an
end.

DECEMBER SESSION,

CHAPTER CCCCLXXVII.

An ACT for the relief of Isaac Greathouse.

Approved January 30, 1817.

The act authorised a grant to issue on a copy of a plat and certificate of survey, the original having been lost.

CHAPTER CCCCLXXVIII.

An ACT to authorise Daniel Weisiger to convey certain Lots in the Town of Frankfort.

Approved January 30, 1817.

The lots he was authorised to convey, were those which had been given towards defraying the expences of the public buildings.

CHAPTER CCCCLXXIX.

An ACT for the relief of certain Sheriffs of this Commonwealth.

Approved January 30, 1817.

The relief given was in relation to the revenue.

CHAPTER CCCCLXXX.

An ACT authorising the County Court of the County of Pendleton to sell part of the Public Ground.

Approved January 30, 1817.

CHAPTER CCCCLXXXI.

An ACT for the relief of the Widows and Children of William Harrel, John Stephens and William Harris.

Approved February 1, 1817.

The balance of the state price on their respective tracts of lands was released by this act.

CHAPTER CCCCLXXXII.

1816.

An ACT to regulate the Town of Newcastle, in Henry County.

Approved February 1, 1817.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That the free male inhabitants of the said town who shall have attained the age of twenty-one years or upwards, and have been residents of said town for three months previous to the time of election, together with who may be the fee simple owners of ground in said town, are hereby authorised and required to meet at the court-house of the county aforesaid, on the first Saturday in May next, and on the same day in each succeeding year, and to elect seven trustees for said town, which trustees or a majority of them shall form a board, and shall be authorised to make any by-laws for the regulation and government of said town, which they may deem necessary, not inconsistent with the laws and constitution of this commonwealth. Election of trustees.

SEC. 2. *Be it further enacted,* That the said trustees or a majority of them, shall have full power and authority to impose such a tax annually, on the inhabitants of said town, and persons owning property within the limits thereof, not exceeding three hundred dollars per year, as to them may seem proper for keeping in repair the public wells, springs, streets and other works of public utility in said town, or for any other purposes which the trustees aforesaid or a majority of them may deem proper for the benefit of said town; which tax shall be apportioned among its inhabitants, and persons owning property within the limits thereof, by laying such a per centum on the value of all such property both real and personal, within the limits of the town aforesaid, as the said trustees or a majority of them may deem proper, or they may at their discretion raise the sum aforesaid, or any part thereof, by a capitation tax on the inhabitants of said town, and persons owning property therein. To impose tax.

SEC. 3. *Be it further enacted,* That the aforesaid trustees, or a majority of them, shall have full power to appoint a commissioner annually, whose duty it shall be to apply to the inhabitants of the town respectively, Com'rs. &c

1816.

and to all persons holding property in said town, for the purpose of receiving from each, a list of all such property and the value thereof, as may have been subjected to taxation in the manner above mentioned : It shall be the duty of each person so applied to, to furnish the commissioner with a list of such property, with the value annexed thereto, as he may have been the owner of, on the first day of March preceeding the application; and on refusal or failure when applied to, or on giving in a false and fraudulent list, shall be subject to a fine of five dollars, and costs, to be recovered in the name of the trustees or a majority of them, upon warrant before any magistrate of the said county, to be applied to the same purposes as the taxes above mentioned are directed to be applied; the application by the commissioner above mentioned, shall be made at any time in the months of April, May or June annually. The commissioner shall return the lists aforesaid, to the clerk of the board of trustees so soon as he may have them completed, alphabetically arranged in a book prepared for that purpose. Such property in said town as may be owned by persons who are not residents of the county aforesaid, shall be valued by the commissioner, and lists thereof arranged as above directed, in a separate book, be also returned to the clerk at the same time.

Who can be a trustee.

Sec. 4. *Be it further enacted*, That no person shall be eligible as a trustee of said town unless he shall have resided in the limits thereof for six months previous to his election, nor unless he be the fee simple owner of ground therein, and at least twenty-one years of age.

Clerk,

Sec. 5. *Be it further enacted*, That the said trustees or a majority of them, shall appoint their clerk annually, and any other officers they may think proper; and they, or a majority of them, shall have power to inflict a fine not exceeding ten dollars for every breach of any of their by-laws, to be sued for and recovered in their name, before any justice of the peace for said county, and applied to the uses above specified.

Collector.

Sec. 6. *Be it further enacted*, That after the trustees have laid and apportioned the taxes under this act, they shall appoint annually, a collector thereof, whose duty it shall be to collect and account for the same to the trustees within six months after he shall have been fur-

nished with a list of said taxes; and the said collector is hereby authorised to distrain and make sale of any personal property in the same manner as the collectors of the revenue are directed to do, by the existing laws of this state on that subject, in case of failure or refusal to pay; and the said collector shall be allowed such compensation as the trustees or a majority of them, may think reasonable, not exceeding five per centum on the sum collected, to be paid out of any money in the hands of the trustees. The collector before entering on the duties of his office, shall enter into bond to the trustees in the penalty of six hundred dollars, conditioned for the faithful performance of his duty, and shall take a solemn oath, administered to him by any one of the trustees, before the board of trustees, faithfully to discharge the duties of his office to the best of his judgment; and if he shall fail to collect the taxes in the time aforesaid, or to account for the same to the trustees when collected, the trustees may, upon giving him and his securities, ten days written notice thereof, recover judgment against them in the county court of Henry, for the sum which he shall have failed to account for, together with twenty-five per centum on the sum so detained, and the costs of the motion.

Sec. 7. *Be it further enacted*, That in case of vacancy in the board of the trustees aforesaid, the remaining trustees or a majority of them, shall meet at any time, and fill such vacancy by the nomination of a person qualified as above mentioned; which trustee or trustees so appointed, shall possess the same powers as the others, and remain in office until others are elected to supply their places.

Sec. 8. *Be it further enacted*, That the trustees, after they are elected, shall meet at the court-house of the county, on the first Saturdays in June, September and December, annually, and at such other times as they may think proper; they shall remain in office until others are elected in their place, and may make such compensation to their clerk and commissioner as they may deem right and just. The clerk shall take an oath, administered by any one of the trustees when in session, faithfully to preserve all books and papers confided to his care by the trustees, and in all respects faithfully to discharge his duty to the best of his skill.

1816.

Vacancy

Trustees,
when to meet

1816.

Sec. 9. Each trustee and commissioner shall also take an oath, to be administered by some justice of the peace, faithfully and honestly to discharge their duties to the best of their judgment; which oath shall be noted by the clerk on the record book of the trustees.

Fines.

Sec. 10. *Be it further enacted*, That a majority of the trustees shall have power to inflict a fine not exceeding five dollars, on any trustee, for failing to attend any of the above stated meetings of the board, without a sufficient excuse, to be recovered by a warrant in the name of the other trustees, before any magistrate of the county, the trustee or trustees intended to be so fined having had ten days' previous notice in writing, signed by the president of the board, to appear before the board of said trustees, and show cause, if any he can, why he shall not be fined.

Non-residents.

Sec. 11. *Be it further enacted*, That when any persons holding property in said town, do not reside in the county of Henry, it shall be lawful for the collector to levy upon the goods and chattels of the tenant in possession, for the amount of tax due on said property, and the said tenant shall hold a lien and possession on said property until the rightful owner refunds him the said tax, with twenty-five per centum interest thereon, should distress and sale have been made to collect said tax; and in case there should be no tenant or occupier of the property, the town collector shall place the tax bill in the hands of the sheriff of the county where the owner of such property may reside, whose duty it shall be to receive and collect the same, under the same rules and regulations, fines and forfeitures, as the said collector is liable to in similar cases.

Justices to govern elections.

Sec. 12. *Be it further enacted*, That elections for trustees under this act, shall be superintended and directed by any justice of the peace for said county, who shall deliver the persons elected certificates of their elections, which shall be noticed by the clerk of the county court, and filed away by him in his office, and also preserved by the clerk of the board of trustees and entered on his record book.

Henry seminary.

Sec. 13. *Be it further enacted*, That all the lots laid out and sold by the trustees of the Henry seminary, (except the ground reserved for the use of said seminary, which shall hereafter be exempted from all taxes) and

all the lots laid out by Littleberry Fore and Anthony Bartlett, an annexed to the said town of New Castle, henceforth be and remain a part of said town, and subject to the direction of the trustees; and the said trustees may, at any time they, or a majority of them, may deem it necessary, have a re-survey of the said town made, and a fair plat made out, and have the same recorded in the office of the county court, and also by the clerk of the board of trustees, of all the lots in said town, and all those annexed thereto, or may hereafter be annexed to or adjoining the same.

1816.

CHAPTER CCCCLXXXIII.

An ACT further to regulate the Greenville and Bethel Seminaries.

Approved February 1, 1817.

WHEREAS it is represented to the present general assembly, that the trustees of the seminary in the county of Muhlenburg, have sold the land which was granted to the said institution, and have petitioned the legislature to authorise them to appropriate the proceeds of the said sale to building a house for the benefit of the said institution: Therefore,

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the trustees of the aforesaid seminary, or their successors, may appropriate the proceeds of the sale of the seminary lands aforesaid, to the erecting a house for the benefit of the said institution, in the town of Greenville, or as near thereto as they, or a majority of them, may deem most expedient.

Sec. 2. *Be it further enacted,* That the trustees of the Bethel academy, be, and they are hereby authorised to appropriate the sum of eight hundred dollars, for the purchase of a suitable lot of ground, in or near the town of Nicholasville, for the use of the said academy; the title of which shall be conveyed to, and vest in the trustees and their successors, for the purpose aforesaid.

1816.

CHAPTER CCCCLXXXIV.

An ACT to vest certain powers in the County Court of Breckenridge County, in relation to certain Seminary Lands.

Approved February 1, 1817.

WHEREAS it is represented to this present general assembly, that a certain John Campbell, did, in the year 1807, enter into a written contract, with William F. Campbell his security, to enter, survey and register six thousand acres of land for the justices of the county court of Breckenridge county, for the use and benefit of a seminary of learning, by virtue of the several acts of assembly in that case made and provided, on the terms and conditions in said writing specified : And whereas it is also represented to this present general assembly, that the said covenant hath been violated and broken by the said John Campbell : Therefore,

BE it enacted by the General Assembly of the Commonwealth of Kentucky. That it shall and may be lawful for the county court of Breckenridge county, to appoint an agent or agents, vesting him or them with full power and authority to institute and prosecute a suit or suits against the said John Campbell, his heirs, executors or administrators, on the said contract, or to settle the same by compromise or otherwise, in such way as he or they may deem most advisable and beneficial ; or if the agent or agents so appointed shall deem it most beneficial to sell and convey the land, that he or they shall have full power and authority so to do ; and that the justices of the said county court shall have full power and authority to make their agent or agents such an allowance as they may deem reasonable for their trouble, fees, counsel, collecting testimony, and superintending the business, to be paid out of the money when collected.

CHAPTER CCCCLXXXV.

An ACT further to regulate the Robertson Academy, in Adair County.

Approved February 1, 1817.

WHEREAS it is represented to the general assembly, that a survey was made for one thousand six hun-

dred and sixteen acres of land in Adair county, on the waters of Leatherwood fork of Little Barren river, in the name of the justices of the peace of Adair county, for the use and benefit of a seminary in said county, and that a patent issued thereon on the 17th day of February 1809; and subsequent to that time, it has been discovered that a considerable portion of said land is covered by an old military survey; and it further appearing, that an act passed on the 31st day of January 1814, vesting said land in the trustees of the Robertson academy, in Adair county: Therefore,

1816.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the said trustees, or a majority of them, or their successors, or a majority of them, be, and they are hereby authorised to relinquish the right and title which they have as trustees to said land, or to such part thereof as the said trustees, or a majority of them, shall think proper; which relinquishment shall be made in the Adair county court, and entered on their order book, and certified by the clerk of said court to the register of the land-office. Upon the receipt of said certificate, the register of the land-office shall enter in the margin of his record book, opposite the record of said patent, that the same is relinquished, or such part thereof as may be relinquished. Trustees may relinquish.

Sec. 2. *Be it further enacted,* That the said trustees, or their successors, or a majority of them, shall be, and they are hereby authorised to enter, survey and carry into grant, so much land as they may relinquish, on any waste and unappropriated land in this commonwealth, in one or more surveys: *Provided, however,* that no survey shall be made for a less quantity than one hundred acres, unless the same is bounded all round by lines of prior claims: *And provided also,* that no survey made by virtue of this act, shall interfere with, or affect any prior claim or any actual settler. May survey.

Sec. 3. *Be it further enacted,* That the said trustees, or their successors, or a majority of them, shall have full power to lease, rent or sell and convey, all or any part of said land, and apply the proceeds thereof to the use and benefit of said academy, in such manner as they may think fit. May lease, &c

DECEMBER SESSION,

1816.
Majority.

Sec. 4. *Be it further enacted*, That a majority of the trustees of said academy shall in all cases be competent to transact any business relative to said academy.

CHAPTER CCCCLXXXVI.

An ACT for the relief of George W. Morton.

Approved February 1, 1817.

He was acting sheriff of Fayette county : This act allowed him longer time to return his delinquent list.

CHAPTER CCCCLXXXVII.

An ACT for the benefit of Thomas Rankin, senior.

Approved February 1, 1817.

The act authorised him to commence suit in chancery, and obtain a decree against the unknown heirs of James Ferguson, and under that decree to sell a lot in Cynthiana. The fact which rendered the special interposition of the legislature necessary, appears to have been, that none of the heirs of Ferguson lived within the commonwealth.

CHAPTER CCCCLXXXVIII.

An ACT concerning the Town of Burksville.

Approved February 1, 1817.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That the election of the trustees for the town of Burksville, authorised by "an act for the regulation of certain towns in this commonwealth," approved January the 6th, 1812, shall be held on the third Monday in April in each year hereafter ; and the trustees so appointed, shall possess the same power as mentioned in the act to which this is an amendment, and continue in office until their successors are duly elected.

CHAPTER CCCCLXXXIX.

1816.

An ACT authorising the County Court of Jessamine to extend the limits and open the streets of Nicholasville.

Approved February 1, 1817.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That the county court of Jessamine county be, and they are hereby authorised to extend the limits and open the streets of the town of Nicholasville, in such way as to them shall seem right, so as not to extend more than a half mile from the court-house.

CHAPTER CCCCXC.

An ACT relative to the Register's Office.

Approved February 1, 1817.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That the register of the land-office be authorised and required to make out a complete alphabet to the surveys on treasury warrants, registered since the first day of June, 1792; also an alphabet to the grants issued thereon; also an alphabet to the record of surveys made on the head-right claims derived under the laws of Kentucky.

Register required to make out certain complete alphabets.

SEC. 2. *Be it further enacted,* That the register of the land-office be, and he is hereby authorised and required to make out, or cause to be made out, and procure for his office, a complete transcript of the original entries, from the record remaining in the surveyor's office in the county of Lincoln. The register shall accurately examine and compare the copies with the originals, and certify the same as being true and accurate copies.

Required to transcribe the Lincoln entries.

And copies certified from the register's office, shall be received as evidence in all cases, in the same manner as copies from the original record. And the surveyor of Lincoln is hereby authorised and required to permit the register of the land-office, and his clerk appointed for that purpose, to have free access to the records of entries in the surveyor's office, for the purpose of copying and comparing the entries as aforesaid. The register shall also make, or cause to be made, an index to those entries, after the plan of the alphabet to May's book of entries, now in his office.

Copies from said transcript to be legal evidence.

To make an alphabet.

1816.
Compensation therefor.

Sec. 3. *And be it further enacted*, That for alphabets and index herein directed, the register be allowed a compensation at the same rate heretofore allowed by law for similar services; and as soon as the same, or any one of them, is completed, the auditor of public accounts shall, upon application of the register, ascertain the amount due for the services rendered, at the rate aforesaid, and issue a warrant therefor according to the manner prescribed for similar services, by the act approved 28th January, 1811.

Compensation for transcribing Lincoln entries.

Sec. 4. *And be it further enacted*, That for procuring the transcript of entries from the books in Lincoln, herein before directed, the register shall be allowed, for each entry so procured, the same fees which are chargeable in behalf of the commonwealth, for copies of entries issued from the register's office; and when the said transcript is obtained, the auditor of public accounts shall, upon application of the register, ascertain the number of entries so transcribed, and issue a warrant for the amount.

Secretary & register to change offices, & an addition to be built to the register's.

Sec. 5. *Be it further enacted*, That the room now occupied by the register, shall be appropriated for the office of the secretary of state, and the room now occupied by the secretary of state, shall be appropriated to the use of the register of the land-office, who is hereby authorised to cause an addition to be made to the same, after the plan of the auditor's office; and when the same is completed, the auditor shall, upon application of the register, issue warrants on the treasury for the amount of the bills of work for said addition.

CHAPTER CCCCXCI.

An ACT for the relief of Isaac Harel.

Approved February 1, 1817.

The principal object of the act was to give effect to a sale of land by parol, *bona fide* made by his brothers and sisters to him.

CHAPTER CCCCXCII.

1816.

An ACT for the benefit of the heirs of Richard M. Gano.

Approved February 1, 1817.

The act appointed commissioners to sell and convey the real estate descended from their ancestor.

CHAPTER CCCCXCIII.

An ACT respecting the Seat of Justice in Caldwell County.

Approved February 3, 1817.

The act appointed commissioners to fix on a place for the seat of justice.

CHAPTER CCCCXCIV.

An ACT to establish and regulate the Town of Rossborough, in Daviess County, and change the name thereof.

Approved February 3, 1817.

WHEREAS the commissioners appointed by an act of the general assembly, entitled "an act for the erection of a new county out of the county of Ohio," did, in pursuance of the powers in them vested by said act, fix on a place for the permanent seat of justice in the county of Daviess, the Yellow-Banks, part of a tract of three thousand acres of land patented in the names of David Ross and John May; and whereas the proprietors of said tract of land have laid off a town, containing about eighty acres of land, at the said Yellow-Banks, and called the same Rossborough; and have made a donation of one half the said town lots to the county of Daviess, to aid in the erection of public buildings; and also given two acres of ground for a public square: Now, therefore, as the said town has been so far established, by contract between the proprietors and the county court of Daviess, and not in conformity with the regulations prescribed by the laws of this commonwealth, in relation to the establishment of towns, it becomes necessary to provide by law for the complete establishment and good government of said town: Therefore,

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the said town, as sur-
Seat of justice established.

1816.

veyed and described on a plat thereof now of record in the county court of Daviess, be, and the same is hereby established as the permanent seat [of] justice of said county, conformably to the agreements between the said proprietors and the county court of said county; and said court is hereby vested with full power and authority, at their next February, March or May term, to appoint seven trustees of said town, who shall act in that capacity, and be invested with all the powers and authority given to trustees of said town by this act, until an election of other trustees shall take place, in conformity with the provisions hereinafter made.

Streets, trustees not to rent, &c.

Sec. 2. Neither the trustees, nor the county court of Daviess, shall ever have power or authority to sell, rent, or otherwise dispose of, or erect, or permit any building to be erected upon any part of any of the streets as now laid down in the plat of said town, without having first obtained the consent of the proprietors of said tract of land for the time being, in writing to that effect, signed and sealed by them, proved and recorded in said county court, previous to making any such disposition of said streets.

River bank.

Sec. 3. The river bank, from the reserved land near the mouth of the ravine, that is, from the lower side of Frederica street to the upper end of the said town, as now described in the plat thereof, shall be free for the use of the inhabitants of said town and county, for export and import purposes, free egress and regress, for all social and commercial purposes, and no other; all other rights of the Ohio river at that place, as ferries, water-works, and every other like benefit and emolument whatsoever, being reserved to the said proprietors forever.

Donation lots

Sec. 4. The county court of Daviess shall have full power and authority to sell and convey the donation lots to the purchasers thereof, applying the proceeds of such sales to the use of said town and county, as expressed in the proprietors' donation; and for the purpose of complying fully with the true intent and meaning of said donation, they are hereby authorised to appoint two or more commissioners, by their order, to receive, in their own names, as commissioners, a conveyance of the legal title of the proprietors in and to the aforesaid donation lots, to be held by said commission-

ers in trust, to be by them conveyed to the purchasers thereof, under any sale to be made under this act ; but the legal title of and to the public square and streets of said town, shall be vested only in the said county court ; and the said commissioners shall superintend the sale of said lots, collect and receive the purchase money, and apply the same, by the directions of said court, to the uses and purposes aforesaid. But said commissioners, before entering upon the duties of their office, shall enter into bond with good security, to said county court, in the office of said county, in the penalty of six thousand dollars, conditioned for the faithful accounting for, collection and payment over, under the direction of said court, of all money arising from the sale of said donation lots ; and upon their failing to account for or pay over such sums of money, they may be proceeded against upon their bond in the circuit court of said county, in the same manner as the laws of this commonwealth do or shall prescribe for proceeding against sheriffs on their official bonds, for not accounting for or paying over money collected on executions, and shall be liable to the same damages and costs.

Sec. 5. The trustees of said town shall have full power to appoint a clerk of their board, and remove him at will, by an order of the majority : But when such clerk is appointed, he shall hold his office until so removed or resignation ; and upon his election, shall take the necessary oaths of office, take charge of the books, records and other papers of said board, and keep the same safely and faithfully.

Sec. 6. When the holders of lots in said town, and actually residing therein, shall amount to fifteen, they together with those holding title to real estate therein, may elect trustees of said town, on the county court day in the month of August in each year ; such election to be conducted by the clerk of the board or presiding officer, in a fair manner ; who shall make return of the persons elected to the county court, who shall record the same ; and the trustees so elected, shall have all the powers and authority given by this act during their continuance in office. If no election of trustees is held in any year at the time prescribed, the trustees elected at the next preceding election, may hold their office and execute its duties until a new election shall take place,

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Appoint-
clerk, &c.Trustees may,
be elected.

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or if any vacancy shall occur by death, resignation or non-residence, the county court may, by their nomination, fill such vacancy until the next election.

Market-house Sec. 7. The trustees, when they shall deem it advisable, shall have authority to erect a market-house in said town upon any part of the most northerly end of the public square, and no other part thereof, or upon some part of Water-street, having first obtained the consent of the proprietors in the way prescribed in the second section of this act.

Sec. 8. The trustees shall have authority to cause the streets of said town to be cleaned and repaired by the inhabitants thereof; and if they, or any of them, shall refuse or neglect to repair the part of said street assigned to them, it shall be lawful for the said trustees or a majority of them, to hire the cleaning and repairing of said streets, and levy the price thereof on the person or persons so failing or neglecting; and in case they do not make payment immediately, the said trustees are hereby authorised and empowered to sue for, and recover the same with costs, before any justice of the peace of the county.

By-laws.

Sec. 9. The trustees shall have power from time to time, to pass such laws and ordinances for the regulation and government of boat and vessel masters and men, and those employed by them in the harbor or harbors of said town, as shall not be inconsistent with the private rights of the proprietors of said three thousand acre tract of land, and the laws of this commonwealth; and may appoint one or more wharf-masters to enforce the same; any such wharf-master in case of resistance to his authority, shall have power to summon the posse of said town to aid him in the execution of his office; and all persons failing to obey such summons, shall be liable to the same fines, pains and penalties as are prescribed by law for failing or refusing to obey the summons of a justice of the peace to aid him in the execution of his official duty.

Nuisances.

Sec. 10. The said trustees shall have power and authority to cause nuisances to be removed from the streets, alleys and lots of said town, from the beach and bank of the river, and from the harbor or harbors in front of said town.

Sec. 11. The trustees shall for the benefit of said town, have power to tax the inhabitants and free-holders of their town, in such manner as they shall deem equitable and just: *Provided*, such tax shall not amount to more than twelve and a half cents upon each hundred dollars worth of property, and one dollar annually on any one person residing therein; and shall have power to take all necessary and legal measures to collect the same, and appoint a person to collect for them, who shall be bound to account and settle with said trustees when required by them, and pay over whatever sum appears unappropriated in his hands at the time of said settlement, to the clerk of the board in trust for the said trustees and their successors, to the use of said town. 1816. Tax.

Sec. 12. The trustees of said town shall have power whenever they deem it advisable, to have an account rendered of the funds of said town, either from their predecessors in office, or said clerk or collector, may upon the neglect or refusal of any such party to render them a fair and just statement of accounts and pay over to the use of the town any money in their respective hands, summon any such defaulter before the county court, who shall have power to enforce a settlement and enter judgment thereupon, agreeably to the law and equity of the case, and issue execution if necessary. Concerning funds.

Sec. 13. The trustees shall have power and authority to make such rules and regulations for the good order and government of said town, as they shall from time to time find advisable, not contrary to the laws of this commonwealth, or the rights of the proprietors of said three thousand acre tract of land; and in the meantime said trustees shall have power to carry into complete effect every provision of the general laws of this commonwealth, now or hereafter made of and concerning towns and their regulation, so far as the same may be applicable to the town of Rossborough: *Provided*, however, that where any provisions contained in the said general laws, are found to be violatory of the spirit of the agreements made between said proprietors and the county court of Daviess about said town, they shall not apply thereto. General powers of trustees.

Sec. 14. The trustees of said town shall have full power and authority to settle and adjust all disputes between the owners of town lots, about the boundaries Disputes, how adjusted.

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thereof; and in order to enable them so to do with greater certainty, it shall be their duty to see that the posts which have been set up in the centre of each block of four lots in said town, be prescribed; and when any one of them shall be destroyed, it shall be their duty to cause the same to [be] re-erected, and marked as now; and if the said trustees shall fail to perform this duty, for the space of one month after such destruction of any posts has taken place, they shall be liable to a fine of five dollars, recoverable by warrant before any justice of the peace of said county, at the suit of any informer, one half for his own use, the other half for the benefit of said town, and the same penalty for every subsequent month's neglect; and if any person shall destroy any such corner posts, and upon being required by any one of the trustees of said town, or by one of the sub-officers thereof, to erect another like post similarly marked and placed precisely where the first stood, shall fail so to do for the space of forty-eight hours, he shall forfeit and pay three dollars, recoverable in the name of the trustees by warrant, before any justice of the peace, together with costs for the use of said town, and the same sum for every forty-eight hours he shall neglect to put up the same.

Regulations
to divide lots
Sec.

Sec. 15. The trustees or a majority of them, shall have full power and authority to divide any lot or lots in said town between the present or any future proprietors thereof, entitled to the same by descent devise or any other mode of purchase, whether such proprietors be all residents in this commonwealth or all non-residents, part resident and part non-resident, holding as joint tenants in common or parceners: *Provided, however,* that the person or persons applying for such division, shall previous to making application to said trustees, give personal notice in writing, to his, her or their co-proprietors when resident within this commonwealth; a copy of which notice, together with an affidavit of its service, shall be filed with the board of trustees at the time of making such application. But where any of said co-proprietors shall be non-residents, the person or persons, desiring a division, shall previous to making application therefor, give notice to such non-resident parties of his or their intention, by publishing the same in some public newspaper, (authorised by law to pub-

lish advertisements,) for the space of two months successively, and shall file a copy of such published notice, together with the printer's affidavit of its publication at the time of making the aforesaid application. And upon application made as herein prescribed, the said trustees or a majority of them, shall if no good cause to the contrary is shown by the other parties interested, proceed to make the required division, and return the same to the clerk of their board; who shall record the division and the notice in a book to be by him kept exclusively for this purpose; and the said trustees shall thereafter upon the application of each party, convey to him, her or them in fee simple, and severally if required, their respective allotted shares of said lot or lots, and such conveyance shall be acknowledged by the trustees making the same, before the clerk of the said county, and recorded in his office; and such division and conveyance shall be as valid and effectual to convey the legal title as if the same had been executed by the parties themselves: *Provided, however,* that any partition or division made by virtue of this act, shall be subject to the control and revision of a court of equity where fraud has been practised in obtaining the same, or where the said portion or division was evidently unequal and unjust, at the time of making it, or where any parcener or other person affected by said division, may lose his or their portion of said lot or lots, or any part thereof, in consequence of a defect in the title. But no re-division on account of inequality at the time of making it, shall take place after two years, nor shall the party complaining ever have the advantage of any improvement made in consequence of the first division, but shall in every such case, make adequate compensation therefor.

Sec. 16. The guardian of any infant and the husband of any *feme covert*, may make application for a division under this act; and it shall be sufficient where an infant is concerned, to give notice to the guardian, and where a *feme covert* is concerned, to her husband. About divisions:

Sec. 17. Whenever hereafter the proprietors of the land adjoining, shall desire to enlarge the said town by lots of any size, they shall make application to the county court of Daviess, for an order to that effect, expressing in writing at the time of making application, Town may be enlarged.

1816.

1816.

the quantity and relative position of the land proposed to be added. But no application shall be made to said court until after notice shall have been given to the public by advertisement at the door of the court-house of said county, for at least two months previous thereto : *And provided also*, that notice shall be given in the mode prescribed by the fifteenth section of this act, to advise claimants if any there be ; and said county court, if no good cause to the contrary be shewn after such notification, shall have power to grant leave to make the addition required, and when it shall be to all intents and purposes part of said town.

Clerk's fees.

Sec. 18. The clerk of the board of trustees shall be allowed the same fees for services rendered by him under the provisions of this act, as are allowed to clerks of county courts for like services ; and his fees shall be collectable in the same manner.

Owensborough.

Sec. 19. *Be it further enacted*, That the said town shall hereafter be called and known by the name of Owensborough, in memory of the late colonel Abraham Owen, who fell at Tipecanoe ; in which name it is hereby established, and not of that of Rossborough.

CHAPTER CCCCXCV.

An ACT for the benefit of the Widow and Heirs of John C. Johnson, deceased.

Approved February 3, 1817.

The act authorised the county court of Fayette to appoint commissioners to sell a lot in Lexington for the payment of his debts.

CHAPTER CCCCXCVI.

An ACT for the relief of the Trustees of the Jefferson Seminary, and for other purposes.

Approved February 3, 1817.

Recital.

WHEREAS it is represented to the present general assembly, that the trustees of the Jefferson seminary, in Estill county, in defending and prosecuting several suits about the lands of said establishment, and in quieting a certain claim belonging to the same by compromise, have become in debt, money which they are not author-

ised by law to pay out of the money arising from sales of the said land: For remedy whereof. 1816.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the said trustees are hereby authorised to pay any debts due by said institution, out of any money received from the sales of said lands; and any payments that may have been made by said trustees out of the proceeds of such sales, is hereby ratified and confirmed, any law to the contrary notwithstanding. Trustees to pay debts.

Sec. 2. *Be it further enacted,* That the Jefferson seminary, in Estill county, shall be hereafter known by the name of the Estill seminary; and the trustees of the said seminary shall possess the same power in every respect, about said institution, as they have heretofore had by the laws of this commonwealth now in force. Name changed.

Sec. 3. *Be it further enacted,* That it shall be lawful for the trustees of the above seminary to appropriate one thousand dollars of the proceeds of the sales of said seminary lands, to the use of building a house for said seminary. To apply the proceeds of sale of land to build a house.

CHAPTER CCCCXCVII.

An ACT relative to the stream of Nolin, in Hardin County.

Approved February 3, 1817.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That all laws requiring the county court of Hardin to lay off the stream of Nolin, in said county, into precincts, and to appoint overseers and allot hands to clear out and keep the same in navigable order, shall be, and [are] hereby repealed, so far as they apply to said stream.

CHAPTER CCCCXCVIII.

An ACT to amend and explain an act entitled "an act to amend an act to ascertain the boundaries of, and for proccessioning Lands."

Approved February 3, 1817.

WHEREAS it is represented to the present general assembly, that there are doubts whether the commission-

Preamble.

1815.

ers appointed to procession lands, by virtue of an act entitled "an act to amend the act to ascertain the boundaries of, and for processioning lands," approved January 7th, 1815, are authorised to administer an oath to the witnesses called on to give evidence: For remedy whereof, and to explain the law in this respect,

The comm'rs appointed under the recited act declared to have power to administer oaths to witnesses, &c.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the commissioners appointed in pursuance of said recited act, to take depositions, have heretofore had, and shall hereafter possess full power to administer an oath to every and all persons called on to give evidence before them, in as full and ample a manner as any justice of the peace; and all depositions heretofore taken by commissioners appointed under said act, when the commissioners, or any one of them, has administered the oath required by law to the witness or witnesses, shall be as good and valid as if the oath had been administered by a justice of the peace.

CHAPTER CCCCXCIX.

An ACT for the benefit of the estates of David Niess, Isaac Ward and George Thompson, deceased.

Approved February 3, 1817.

The act appointed commissioners for the sale of lands descended to them respectively.

CHAPTER D.

An ACT to legalise the proceedings of the Estill County Court, and for other purposes.

Approved February 3, 1817.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That the proceedings of the county court of Estill, at their April term last, as respects their appointing commissioners to take lists of taxable property in said county, be, and the same is hereby legalised and confirmed, any law to the contrary notwithstanding.

SEC. 2. *Be it further enacted,* That the county of Estill shall be entitled to one justice of the peace, in addition to the number now allowed by law.

Sec. 3. *And be it further enacted*, That the counties of Green and Adair, be allowed one justice of the peace, each, in addition to the number now allowed by law. 1816.

CHAPTER DI.

An ACT for the benefit of the heirs and representatives of David Johnson, Joseph Dupuy and Robert Parker, deceased, and for the benefit of William Breckenridge.

Approved February 3, 1817.

The act authorised the sale of the real estate descended to them, respectively.

CHAPTER DII.

An ACT to provide for the sale of part of the public ground in the Town of Hopkinsville, and for other purposes.

Approved February 3, 1817.

WHEREAS it is represented to the general assembly, that it would be of much advantage to the future prosperity and improvement of the town of Hopkinsville, to dispose of a part of the public ground in said town: Therefore, Recital.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the county court of Christian, a majority of all its justices concurring, are hereby vested with full power to sell such part of the public ground in said town, and apply the proceeds thereof in such manner as to them may seem best, as is included in the following boundary: Beginning north twenty-one degrees east, twenty-four poles from the south-east corner of the public square; and thence with Main street ten poles; thence north sixty-nine degrees west twenty-four poles; thence south twenty-one degrees west ten poles; thence south sixty-nine degrees east twenty-four poles, to the beginning. County court to sell public ground, &c.

Sec. 2. *Be it further enacted*, That Young Ewing, James H. McLaughlin and Samuel A. Miller, be, and they are hereby appointed commissioners to lay off in convenient lots, and sell to the highest bidder, so much of the public ground in said town as the said court by order may direct, and advertise the sale of the said To give notice of sale.

1816.

ground four weeks successively in some authorised news-paper in this state, and on the door of the court-house, and on the doors of the public houses in said town, on some court day at least two weeks previous to the sale; and they are hereby authorised and directed to take bonds from the purchasers, with approved security, for the purchase money, payable one moiety in twelve months, the other in eighteen months, and make deeds to the purchaser or purchasers, which shall vest the legal title in them.

Additional
powers grant-
ed the trust-
ees of the
town.

Sec. 3. *Be it further enacted*, That the trustees of the said town of Hopkinsville, shall, and they are hereby required to keep open, clear and smooth an alley between the aforesaid ground and the market-house in said town, extending through the said public ground on the south front of the aforesaid lots directed to be sold, the same width to the west boundary line of the public square.

Proviso.

Sec. 4. *Be it further enacted*, That the trustees of the town of Hopkinsville, shall be, and they are hereby authorised to levy and collect a tax from the citizens of said town, any sum not exceeding three hundred dollars, in addition to the present tax: *Provided*, that said trustees shall not be at liberty to tax any property but such as shall be at the same time taxed for the benefit of the state government, and according to the *ad valorem* system of taxation.

CHAPTER DIII.

An ACT increasing the powers of the Trustees of the several Towns in this Commonwealth.

Approved February 3, 1817.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That the trustees of the several towns of this commonwealth, shall be, and they are hereby authorised and empowered to pass such laws and enact such rules and ordinances for the better regulation of said towns, as may embrace the powers at this time exercised by justices of the peace for suppressing tippling houses, and restraining and punishing slaves found rambling about said towns without lawful passes.

CHAPTER DIV

1816.

An ACT authorising the County Court of Fayette to lease out a part of their public ground in Lexington.

Approved February 3, 1817.

CHAPTER DV.

An ACT for the relief of the heirs of David Miller.

Approved February 3, 1817.

The act authorised registering a plat and certificate of survey of land descended to them.

CHAPTER DVI.

An ACT for the relief of the devisees of Ludowick Oneal.

Approved February 3, 1817.

The act authorised a patent to issue directly to them, instead of the trustees named in the will, and to issue on a copy of the plat and certificate of survey, if the original could not be obtained.

CHAPTER DVII.

An ACT for encouraging the importation of Goods by the Port of New-Orleans.

Approved February 3, 1817.

WHEREAS the prosperity of this state essentially depends upon the exportation and importation of its produce and merchandize, to and from the port of New-Orleans, through the channel of the Mississippi; and it is believed that an exemption from taxation for a given period, of all merchandize imported through that channel to this state, would greatly promote so desirable an object: Wherefore,

Preamble.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That all merchandize imported into this state from the port of New-Orleans, through the channel of the river Mississippi, from and after the first day of March next, shall be free and exempt from taxation under any of the revenue or other laws of this commonwealth, for and during the

All merchandize imported into this state from New-Orleans up the Mississippi, exempt from taxa-

1816. space of five years from and after the passage of this act,
 } any law to the contrary notwithstanding.
 tion for five Sec. 2. This act shall be construed, taken and held in
 years. the nature of a contract between this state and those
 The construc who shall import goods pursuant thereto, and shall be
 tion to be giv- irrevocable during the period aforesaid.
 on this act.

CHAPTER DVIII.

*An ACT incorporating the Winchester Steam-Mill Com-
 pany.*

Approved February 3, 1817.

CHAPTER DIX.

*An ACT authorising repairs to be made to the Public
 Buildings in the occupancy of the Governor.*

Approved February 3, 1817.

Had its effect.

CHAPTER DX.

*An ACT to incorporate the Petersburg Steam-Mill Com-
 pany.*

Approved February 3, 1817.

CHAPTER DXI.

*An ACT to amend an act entitled "an act regulating cer-
 tain Surveys in this Commonwealth."*

Approved February 3, 1817.

The act referred to will be found in page 375, of this Volume.

Sec. 1. *BE it enacted by the General Assembly of the
 Commonwealth of Kentucky,* That so much of the fourth
 Sec. 4 of the act of last ses- section of the act passed at the last session of the legisla-
 sion, made ture of this state, entitled "an act regulating certain
 general, and to apply to all surveys in this commonwealth," shall be general in its
 ejectments operation, and apply to all actions of ejectment, where
 founded on the lessor of the plaintiff shall claim title by virtue of any
 patents issu- patent which shall have issued subsequent to the last day
 of on treas-

XXV. YEAR OF THE COMMONWEALTH.

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of December, 1810, upon any entry or survey made upon a treasury warrant issued by the state of Virginia, or upon any settlement or pre-emption right; and the court before whom such trial may be had, shall instruct the jury, that unless they find that the patent as aforesaid does include the entry on which it is founded, or a part thereof, that they ought to find for the defendant: *Provided, however,* that nothing in this act shall prevent the plaintiff from recovering so much land as may appear by his entry to be included in the patent so adduced in evidence.

1816.

ry or pre-emption warrants since Dec. 1810,

Proviso.

Sec. 2. *Be it further enacted,* That this act shall not be construed so as to extend to any other kind of rights, except those founded on treasury warrants and settlement and pre-emption rights, nor to the protection of any person who is not an actual settler, and holds title under a grant which includes said settlers.

Construction to be given this act.

CHAPTER DXII.

An ACT providing for a change of venue in the case of Armistead Churchill.

Approved February 3, 1817.

The act permitted him to be tried in Bullitt, if he should choose; he was indicted in Jefferson.

CHAPTER DXIII.

An ACT to detach the Counties of Campbell and Boone from the third Judicial District, further to regulate certain Judicial Districts in this Commonwealth, and to alter the time of holding the Fayette and Scott Circuit Courts.

Approved February 3, 1817.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky.* That the county of Lincoln shall be, and the same is hereby detached from the ninth judicial district, and annexed to the twelfth; the county of Jessamine, shall be, and is hereby detached from the tenth judicial district, and annexed to the ninth; the county of Bourbon, shall be, and the same is hereby detached from the second judicial district, and is annex-

Lincoln added to the 12th & Jessamine to the 9th, Bourbon to the 10th, and Campbell and Boone to the 2d judicial districts.

1816. ed to the tenth; the counties of Campbell and Boone, shall be, and they are hereby detached from the third judicial district, and annexed to the second; so that hereafter the second judicial district shall be composed of the counties of Harrison, Nicholas, Pendleton, Campbell and Boone; the third judicial district shall hereafter be composed of the counties of Fayette and Scott; the tenth judicial district shall be composed of the counties of Bourbon, Clarke, Estill and Madison; the ninth judicial district shall be composed of the counties of Garrard, Jessamine, Mercer, Washington and Casey; and the twelfth judicial district shall be composed of the counties of Lincoln, Pulaski, Wayne, Clay, Knox and Rockcastle; and the circuit judges appointed and commissioned for said districts respectively, shall sit and preside in the circuit courts of the counties in said districts respectively, and hold the courts therein, according to the rules and regulations prescribed by law with regard to the circuit courts of this state.

Fayette allowed additional terms, & time of sitting altered. Sec. 2. *Be it further enacted,* That in place of the courts now held, there shall be hereafter holden, annually, in and for the county of Fayette, two terms for the trial of chancery causes, to commence on the first Mondays in February and August, and four terms for the trial of criminal and common law causes, to commence on the third Mondays in March, June and September, and on the first Mondays in November; each of the above terms to be holden and continued for twenty-four juridical days, if the business of the court should require it. And all recognizances and process of every kind now made returnable to the next term of the Fayette and Scott circuit courts, shall be, and the same are hereby made returnable to the first day of the next terms, as directed to be held by this act, and the same shall be as binding and obligatory in all respects, as they might or could have been had this act not passed.

Time of holding Scott circuit court altered. Sec. 3. *Be it further enacted,* That the circuit courts in and for the county of Scott, shall hereafter commence and be holden on the first Mondays in March, June and September, annually, and shall sit at each term twelve juridical days, should the business thereof require it.

Repealing clause. Sec. 4. *Be it further enacted,* That all laws that come within the purview of this act, shall be, and the same are hereby repealed.

CHAPTER DXIV.

1816.

An ACT to increase the active capital of the Bank of Kentucky, by authorising a sale of a portion of the shares reserved for subscription on the part of the State.

Approved February 3, 1817.

WHEREAS it appears to the present general assembly, that an increase of the active capital of the Bank of Kentucky, would be attended with advantage to the said bank, and be highly useful to the good citizens of this state; and that the portion of the nominal capital of said bank, which has been reserved for subscription on the part of the state, cannot for some years be paid for, from the funds appropriated for that purpose: Therefore,

Preamble.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the president and directors of the Bank of Kentucky be, and they are hereby authorised to sell, in such manner as shall seem to them most eligible, a number of shares in the capital of the said bank, which have been reserved for subscription on the part of the state, not exceeding eight thousand shares: *Provided, however,* that no share shall be thus disposed of for less than two per cent. advance on its nominal amount.

Stock may be sold.

Advance.

Sec. 2. *And be it further enacted,* That the advance on the shares thus disposed of, shall be placed by the said president and directors to the credit of the accounts of the treasurer of this state on the books of the said bank, and the president thereof shall, on the first day of April next, and every three months thereafter, until the whole number of shares shall have been sold, give information in writing to the auditor of public accounts of the number of shares which shall have been disposed of under this act, and of the sums received for the advance thereon, for which the treasurer shall have been credited [as] aforesaid; and the sums received for advance on sales of said shares, shall be placed by the treasurer to the funds heretofore appropriated by the legislature to be subscribed on behalf of the state.

How regulated and duty of officers.

Sec. 3. *Be it further enacted,* That the limitation of a director in his accommodations and endorsements at the Bank of Kentucky or its branches, shall not be construed to extend to any bill of exchange drawn or en-

Limitation of directors.

1816.

dorsed by the said director, provided such bills of exchange are predicated upon the produce of the state, exported for sale on account of such director, or on a *bona fide* purchase of such produce by such director on commission, or any other bills of exchange, the property of such director, by him acquired in the fair and regular course of trade. But no interpretation shall be given to this provision, that shall in any manner, by the agency of the bank, promote the sale of any bill of exchange founded on a speculative system of acceptances.

Of co-partnership.

Sec. 4. *Be it further enacted*, That when a director shall be in co-partnership with one or more persons, and the co-partnership shall become indebted to the bank or its branches, so much of said debt only shall be considered a loan to said director, as shall be his proportion thereof, according to the terms of partnership; but nothing in this act contained shall be construed to impair or alter in any respect the liability of any director or other partner, to pay the whole of any partnership debts, in the same manner as if this act had not passed.

Respecting notes.

Sec. 5. *Be it further enacted*, That the eighth section of the act entitled "an act to increase the capital of the state bank," approved February 8th, 1815, shall not be so construed as to compel the Bank of Kentucky or its branches to receive the notes of each other, in any other way than in the payment of debts due the Bank of Kentucky or its branches.

Seat vacated.

Sec. 6. *Be it further enacted*, That whenever any director hereafter appointed as a director for the Bank of Kentucky or any of its branches, shall fail to take the oath prescribed by law, within sixty days after he is notified of his appointment by the cashier or any officer of said bank or branch bank, his seat shall be considered vacant, and the vacancy filled as the charter of said bank directs.

Subscription by treasurer.

Sec. 7. *Be it further enacted*, That whenever the treasurer shall hereafter receive one thousand dollars of the funds appropriated by law for bank stock, he shall subscribe the same on the part of the state; and the president and directors shall receive the same subscription in the same manner as if it had been made by the governor, as heretofore directed by law.

CHAPTER DXV.

1816.

An ACT to incorporate the Lexington and Louisville Turnpike Road Company, and to incorporate the Lexington and Maysville Turnpike Road Company.

Approved February 4, 1817.

WHEREAS, in all countries the fostering care of government has been extended to the internal improvement thereof; and particularly to their public roads; and in no country is that particular part of internal improvement more desirable than in a country where the government is of the people. The legislature of Kentucky being impressed with the great public utility, as well as private advantage to the citizens of this commonwealth, from the formation of artificial roads, and being willing to aid all in their power to effect so great and desirable an object: Therefore,

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That a company shall be formed under the name, style and title of the Lexington and Louisville Turnpike Road Company, for the purpose of forming an artificial road from Lexington by way of Frankfort to Louisville.

Name & style
Lexington to
Louisville.

Sec. 2. *Be it further enacted,* That the capital stock of said company shall be three hundred and fifty thousand dollars, divided into three thousand five hundred shares, of one hundred dollars each.

Amount of
stock.

Sec. 3. *Be it further enacted,* That books for subscriptions in the stock of said company, shall be opened on the first Monday in April next, at the following places, under the direction of the commissioners hereinafter named: That is to say, at Lexington, under the directions of John W. Hunt, Charles Wilkins, Charles Humphreys and John Tilford; at Frankfort, under the directions of John Brown, James W. Hawkins, William Starling and Richard Taylor, jun.; at Shelbyville, under the directions of Adam Steele, Isaac Watkins, William Logan and Samuel Dupuy; at Middletown, under the directions of Samuel Lawrence and Benjamin Head; at Louisville, under the directions of Cuthbert Bullitt, Richard Steele, John Edwards and Samuel Churchill; at Versailles, under the directions of John M'Kinney, jun. John Mitchum, Archibald Kincaid and David Campbell; at Georgetown, under the directions

Books to be
opened and
regulations
for subscrip-
tions, &c.

1816.

of Elijah Craig, Samuel Shepard, Job Stevenson and John I. Johnson. The commissioners named at each of the before mentioned places, shall procure one or more books, and in each of them enter as follows :

" We whose names are hereunto subscribed, do promise to pay to the president, managers and company of the Lexington and Louisville turnpike road, the sum of one hundred dollars for every share of stock in the said company, set opposite to our respective names, in such manner and proportions, and at such times as shall be determined by the president and managers of said company, and agreeable to the act of the general assembly of the commonwealth of Kentucky, to incorporate a company for making an artificial road by the best and nearest rout from Lexington through Frankfort to Louisville. Witness our hands, this — day of — in the year of our Lord one thousand eight hundred and —." The said commissioners shall give notice in one or more of the public papers printed at each of the places where books for subscription shall be opened at, which time and place they will be opened at to receive subscriptions for stock in said company, at which respective times and places, some one or more of said commissioners above named at each place, shall attend, and shall permit all persons of lawful age, bodies corporate and politic, who shall offer to subscribe in the said books in their own name, or names of any other person who shall duly authorise the same, for any number of shares in the said stock ; and the said books shall be kept open respectively for the purpose aforesaid, by adjournment from place to place, and from time to time, until the whole number of shares shall be subscribed ; of which adjournments, the commissioners shall give such notice as the occasion may require : *Provided*, that every person offering to subscribe in the said books in his own or any other name, shall previously give to the attending commissioners their note, negotiable in the bank of Kentucky or any of its branches, payable sixty days after the company shall be organized and the president and managers shall be elected, for the amount of ten dollars, for every share to be subscribed : *And provided also*, that no subscriber for stock shall be bound to pay off his stock, nor shall the president and mana-

gers have power to call in more of said stock, than ten dollars on each share in any sixty days. 1816.

Sec. 4. *Be it further enacted*, That the commissioners before mentioned, shall after their respective books have been kept open for three weeks, send as soon as possible thereafter, the whole amount or number of shares subscribed on their respective books, to the commissioners at Shelbyville, whose duty it shall be, if it shall appear that fifteen hundred shares shall have been subscribed, to give notice to the commissioners at each place where books have been opened of the actual number of shares taken, and the number at each place ; and likewise as soon as may be thereafter, to give at least thirty days notice, from the first publication, in one or more of the public papers printed in Lexington, Frankfort, Shelbyville and Louisville, that the number of shares required by the act of incorporation to organize the company, have been subscribed ; and that an election will be held at the court-house in the town of Shelbyville, to choose by a majority of votes of the said subscribers by ballot, to be delivered in person or by proxy, duly authorised, one president, seventeen managers, one treasurer and such other officers as they may think necessary to conduct the business of the said company, for one year, or until other such officers shall be chosen ; and shall make such by-laws, rules, orders and regulations not inconsistent with the constitution and laws of the United States and of this commonwealth, as shall be necessary for the well ordering the affairs of said company : *Provided*, that three of the managers chosen by the stockholders, shall be citizens of the county of Fayette, three of Woodford, three of Franklin, three of Shelby, three of Jefferson and two of Scott county ; and whenever the said company shall be so organized, they shall be a body politic and corporate, in deed and in law, by the name, style and title of the President, Managers and Company of the Lexington and Louisville Turnpike Road ; and by the said name the said subscribers shall have perpetual succession, and all the privileges and franchises incident to a corporation ; and shall be capable of taking and holding their said capital stock, and the increase and profits thereof, and of enlarging the same from time to time, by new subscriptions, in such manner and form as they shall think proper, if such

Regulations
and com'rs'
duty respect-
ing elections,
books, incor-
poration, &c.

1816.

enlargement shall be found necessary to fulfil the intent of this act; and of purchasing, taking and holding to them and their successors and assigns, and of selling, transferring and conveying in fee simple, all such lands, tenements, hereditaments and estate, real or personal, as shall be necessary to them in the prosecution of their works; and of suing and being sued, implead and be impleaded, answer and be answered, defend and be defended in courts of record or any other place whatsoever; and also to make, have and use a common seal, and the same to break, alter and renew at pleasure, and do all and every other matter and thing which a corporation or body politic may lawfully do.

Of voting.

Sec. 5. *Be it further enacted,* That the number of votes to which each stockholder shall be entitled, shall be according to the number of shares he shall hold in proportion as follows: For every share under five, one vote; for every share over five and not exceeding ten, one vote; for every four shares over ten and not exceeding thirty, one vote; for every six shares over thirty and not exceeding sixty, one vote; for every eight shares over sixty and not exceeding one hundred, one vote; and for every ten shares over one hundred, one vote. And after the first election no share or shares shall confer a right of voting, which shall not have been holden three calendar months previous to the day of election; all stockholders who are residents of the United States, and no others, may vote by proxy: *Provided* the proxy be a citizen of this state. None but a stockholder shall be eligible as a president, manager or treasurer, and every president, manager or treasurer, as the case may be, shall cease to be such upon his ceasing to be a stockholder.

Of officers & by-laws.

Sec. 6. *Be it further enacted,* That the stockholders in said company shall meet on such day in every year at such place as shall be fixed by the by-laws, for the purpose of choosing officers as aforesaid, for the ensuing year in manner aforesaid, and at such other times as they shall be summoned by the managers, in such manner and form as shall be prescribed by their by-laws; at which annual or special meetings they shall have power and authority to make, alter or repeal, by a majority of votes in the manner aforesaid, all such by-laws,

XXV. YEAR OF THE COMMONWEALTH.

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rules, orders and regulations as aforesaid, and to do and perform any other corporate act. 1816.

Sec. 7. *Be it further enacted*, That the president and managers first chosen as aforesaid, shall procure certificates to be written or printed, for all the shares of the stock of the said company, and shall deliver one such certificate signed by the president and counter signed by the treasurer, and sealed with the common seal of the said corporation to each person, for every share by him subscribed and held; which certificate shall be transferable at his pleasure, in person or by attorney, in the presence of the president, secretary or treasurer, subject, however, to all payments due and to become due thereon; and the assignee holding any certificate, having first caused the assignment to be entered in a book of the company, to be kept for the purpose, shall be a member of said corporation; and every certificate by him held, shall be entitled to one share of the capital stock, and of all the estates and emoluments of the company, and to vote as aforesaid at the meeting thereof. Certificates of stock.

Sec. 8. *Be it further enacted*, That the said president and managers shall meet at such times and places, and be convened in such manner as shall be agreed on for transacting their business; at which meeting, six members shall form a quorum, who in the absence of the president, may choose a chairman, and shall keep minutes of all their transactions fairly entered in a book; and a quorum being met, they shall have power and authority to agree with, and appoint all such surveyors, superintendants, artists and officers, as they shall judge necessary to carry on the intended works; and to fix their salaries or wages; to ascertain the times, manner and proportions, when the stockholders shall pay the money due on their respective shares, in order to carry on the work; to draw orders on the treasurer for all monies necessary to pay the salaries or wages of persons by them employed, and for the labor done, and materials provided in the prosecution of the work; which orders shall be entered or registered in their book of minutes, and shall be signed by the president, or in his absence by the chairman of the board; and generally to do all such other acts, matters and things, Meetings, &c.

1816.

Regulations,
&c.

as by the by-laws, rules, orders and regulations of the company, shall be committed to them.

Sec. 9. *Be it further enacted*, That if any stockholder, whether original subscriber or assignee, after thirty days notice in the public papers before mentioned, of the time and place appointed for the payment of any proportion or instalment of said capital stock, in order to carry on the work, shall neglect to pay such proportion for the space of thirty days after the time appointed for the payment thereof; every such stockholder shall in addition to the instalment so called for, pay at the rate of five per centum per month, for every delay of such payment; and if the same and the additional penalty shall remain unpaid for such space of time as that the accumulated penalty shall become equal to the sums before paid in part, and on account of such share, the same shall be forfeited by and to the said company, at any public meeting of the managers thereof, and may be sold by them to any other person or persons, willing to purchase, for such price as can be had therefor; or in default of payment by any stockholder of any such instalment as aforesaid, the said president and managers, may, at their election, cause suits to be brought in any court having competent jurisdiction, for the recovery of the same, together with the penalty aforesaid, or before a justice of the peace, as the case may be: *Provided*, that no stockholder, whether original subscriber or assignee, shall be entitled to vote at any election, or at any general or special meeting of the said company, unless the whole sum due, and payable as aforesaid, on the share or shares by him held at the time of such election, or general or special meetings of the said company, shall have been fully paid and discharged as aforesaid.

Com'rs. du-
ties defined.

Sec. 10. *Be it further enacted*, That it shall be the duty of the commissioners, and they are hereby authorised, after the number of shares shall have been subscribed, and notice given for the stockholders to meet for the purpose of electing a president and managers as before directed, for them to employ such a number of surveyors, engineers artists and chain bearers, as they may think necessary; and to enter into and upon all and every the lands and enclosures, public roads and highways, in, through and over which the said intended

road may be thought proper to pass, and to survey and examine the ground most proper for the purpose, and the quarries or beds of stone and gravel, and other materials necessary for the completion of said road, and to cause a map or chart of the same to be made, from point to point, as before laid down, combining shortness of distance with the most practicable ground : *Provided*, that on the commissioners differing in opinion, as to the most proper route, the difference shall be determined by the votes of the commissioners, a majority of the whole concurring to fix on the route, and after so agreed on, the commissioners shall lay the plan and chart of said road before the general meeting of the stockholders at their first meeting to elect a president and managers ; and if approved of by a general meeting of the stockholders, it shall be the route and site of the said road. All the expences necessarily incurred in the examination, marking and surveying the route of the said road, shall be certified to the president and managers of said company, by the commissioners as aforesaid ; who shall pay and defray the expences so incurred out of the funds of the company : *Provided*, that in case the said commissioners shall fail, refuse or neglect to run out and mark said route, and report to the first meeting of the stockholders ; or that the stockholders shall disagree to the route laid down by the commissioners, then, and in that case, it shall be the duty of the president and managers of said company, to perform the duties as is laid down in the 11th section of this act.

Sec. 11. *Be it further enacted*, That it shall and may be lawful to and for the said president and managers, their superintendants, surveyors, engineers, artists and chain-bearers, to enter into and upon all and every the lands and enclosures, public roads and highways, and through and over which the said intended turnpike road may be thought proper to pass, and to examine the ground most proper for the purpose ; and the quarries and beds of stone and gravel, and other materials in the vicinity that will be necessary in making and constructing the said road ; and to survey, lay down, ascertain, mark and fix thereon such route or tract for the said road, as in the best of their judgment and skill will combine shortness of distance, with the most practicable

1816.

President &
managers to
examine the
ground.

1816.

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Respecting
damages and
appraisement, &c.

ground, from Lexington to Louisville, by and through the point before laid down.

Sec. 12. *Be it further enacted*, That it shall and may be lawful to and for the said president and managers, by and with their superintendants, engineers, artists, workmen and laborers, with their tools and instruments, carts, waggons, sleds and other carriages, and beasts of draught and burthen, to enter upon the lands, in, over, contiguous and near to which the route and tract of the said intended road shall pass, having given notice of their intention to the owners or occupiers thereof, or their agents, and making amends for any damages that may be done thereon; the amount thereof, if they cannot otherwise agree, to be ascertained by an appraisement made upon oath or affirmation, by five disinterested freeholders, mutually chosen, and any three of them agreeing; or if the owners, occupiers, or their agents, upon due notice, shall neglect or refuse to join in the choice, then the said freeholders shall be appointed by any disinterested justice of the peace of the county where such valuation is to be made; and upon tender of the appraised value, it shall be lawful for the said president and managers to open and mark the said road; and to dig, take and carry away any stone, gravel, sand, earth or other materials there being most conveniently situated for making or repairing the said road: *Provided always*, that the freeholders chosen or appointed as aforesaid, in making said valuation, shall take into consideration the advantages and disadvantages arising to the proprietors of such land on account of said road; and where no damage shall be assessed, the owner of the land shall pay the costs and expences incurred by such appraisement.

Powers to
make bridges
and other regulations.

Sec. 13. *Be it further enacted*, That the said president, managers and company shall have power to erect permanent bridges over the creeks and waters crossed by the said route or tract, whereon the same shall be found necessary; and shall cause a road fifty feet in width to be laid out and made from the town of Lexington, by the route aforesaid, to the town of Louisville; of which, fifty feet, the said president, managers and company shall be bound to make an artificial road at least twenty feet in width, of firm, compact and substantial materials, composed of gravel, pounded stone, or other small hard

substances, in such a manner as to secure a good foundation and an even surface, so far as the nature of the country and the materials will admit, in the whole extent of the said road, whenever it shall be necessary, and the natural surface require it, so as to fulfil the duties of the said company towards the public, and to conform to the true intent and meaning of the present act, and shall forever hereafter maintain and keep the same in good repair: *Provided*, that no toll be demanded or taken from any person passing or re-passing from one part of his or her farm to another, or to and from any place of public worship or funeral, or from militia men on days of training, or of attending courts martial, or from electors attending on days of general elections, going to and returning from the same.

1816.

Sec. 14. *Be it further enacted*, That so soon as the said president, managers and company shall have perfected any distance of the said road, not less than ten miles, and so from time to time, any distance not less than five miles progressively from the same, towards either of the places aforesaid, they shall give notice thereof to the governor of this commonwealth, who shall thereupon forthwith nominate and appoint three judicious and disinterested persons to view and examine the same, and report to him whether the road is so far executed in a complete and workmanlike manner, according to the true intent and meaning of this act; and if their report shall be in the affirmative, then the governor shall, by license under his hand and the seal of the commonwealth, permit and suffer the said president, managers and company to erect and fix such and so many gates or turnpikes upon and across the said road, as will be necessary and sufficient to collect the tolls and duties hereinafter granted to the said company, from all persons travelling on the same with horses, cattle or carriages: *Provided always*, that no gate shall be erected, nor toll demanded from any person or persons travelling said road, until after the license aforesaid shall have been granted, under a penalty of ten dollars, to be recovered as debts of the same amount are recoverable, for every such offence; which said penalty, when recovered, shall be paid over to the clerk of the county, to go towards lessening the county levy of the county where the offence happened; nor shall any gate be erected within a

Proceeding
when a por-
tion of the
road is accom-
plished.

1816.

Regulations
when a part
shall be ap-
proved and
licensed, and
rates of toll.

less distance than one mile of the towns of Lexington, Frankfort, Louisville, or any other town.

Sec. 15. *Be it further enacted*, That when the said company shall have perfected the road, or any part thereof, from time to time, as aforesaid, and when the same shall have been examined, approved and licensed as aforesaid, it shall and may be lawful for them to appoint such and so many toll-gatherers as they shall think proper, to collect and receive of and from all and every person and persons using the said road, the tolls and rates hereinafter mentioned; and to stop any person riding, leading or driving any horse or mule, or driving any cattle, hogs, sheep, sulky, chair, chaise, phaeton, cart, waggon, sled or other carriage of burthen or pleasure, from passing through the said gates or turnpikes, until they shall have paid respectively the same: That is to say, for every space of five miles in length of the said road, the following sums of money, and so in proportion for any greater or less distance, at which gates shall be fixed to collect toll, or for any greater or less number of hogs, sheep or cattle, viz. For every twenty head of sheep or hogs, six and one fourth cents; for every ten head of cattle, six and one fourth cents; for every horse or mule, laden or unladen, with rider or leader, four cents; for every sulky, chair, chaise, with one horse and two wheels, nine cents, and with two horses, twelve and a half cents; for every chair, coach, phaeton, chaise, stage, waggon, coachee or light waggon, with two horses and four wheels, sixteen cents; for either of the carriages last mentioned, with four horses, twenty-five cents; for every other carriage of pleasure, under whatever name it may go, the like sums according to the number of wheels and of horses drawing the same; for every sleigh or sled, three cents for each horse drawing the same; for every cart or waggon, or other carriage of burthen, the wheels of which do not in breadth exceed three inches, five cents for every horse drawing the same; for every cart or waggon, the wheels of which shall exceed in breadth three inches, and not exceed six inches, four cents for each horse drawing the same; and for any cart or waggon, the wheels of which shall exceed in breadth six inches, two cents for each horse drawing the same; and when any such carriage as aforesaid shall be drawn by oxen or

mules, in whole or in part, two oxen shall be estimated as equal to one horse, and every mule as equal to one horse, in charging the aforesaid tolls.

1816.

Sec. 16. *Be it further enacted*, That if any person or persons, owning, riding in or driving any carriage of burthen or pleasure as aforesaid, or owning, riding, leading or driving any horse or mule, or driving any hogs, sheep or cattle as aforesaid, shall, with an intent to defraud the said company, or to evade the payment of any of the tolls or duties aforesaid, pass through any private gate or bars, or along or over any private passage way, or along or over any other ground or land near to or adjoining any turnpike or gate, which shall be erected in pursuance of this act; or if any person or persons shall, with the intent aforesaid, take off, or cause to be taken off, any horse or other beast or cattle of draught or burthen, from any carriage of burthen or pleasure, or shall practise any other fraudulent means or device, with the intent to evade or lessen the payment of any such toll or duty, all and every such person or persons offending in manner aforesaid, shall, for every such offence respectively, forfeit and pay to the president, managers and company of the Lexington and Louisville turnpike road, the sum of fifteen dollars, to be sued for and recovered with costs of suit before any justice of the peace for the county where the offence happened, in like manner and subject to the same rules and regulations as debts of equal amount are or may be by law recoverable.

Concerning
evasion of
paying toll.

Sec. 17. *Be it further enacted*, That if the said company shall neglect to keep the said road in good repair, for the space of ten days, and information thereof shall be given to any two justices of the peace for the proper county, such justices shall issue a precept, to be directed to any constable, commanding him to summon five judicious and disinterested freeholders, to be named by said justices, to meet at a certain time, in the said precept to be mentioned, at the place in the said road which is complained of; of which meeting notice shall be given to the keeper of the gate or turnpike nearest thereto, and the said justices shall at such time and place, by the oaths or affirmations of the said freeholders, enquire whether the said road, or any part thereof, is in such good repair as aforesaid, and shall cause an inquisition to be

Neglect of
company to
keep road in
repair.

1816.

made, under their hands and seals, and under the hands and seals of the said freeholders; and if the said road shall be found by the said inquisition to be out of repair, contrary to the true intent and meaning of this act, they shall so certify, and send one copy of the said inquisition to each of the keepers of the turnpike or gates between which said defective place shall be; and from thenceforth the tolls hereby granted to be collected at such turnpike or gates, for the intermediate distance between them, shall cease to be demanded, paid or collected, until it shall have been certified by the said freeholders, or a majority of them, that the said defective part or parts of the said road have been put into good and perfect order and repair as aforesaid; and if any of the keepers of the gates as aforesaid, shall take or attempt to exact tolls for the intermediate distance between the gates aforesaid, from any traveller, during the time the road shall continue out of repair, such keeper shall forfeit and pay to the person who shall prosecute for the same, the sum of five dollars for each offence, to be recovered before any justice of the peace, as debts of equal amount are or may be by law recoverable; but if the said road shall not be put into good repair before the next ensuing circuit court for the proper county, the said justices shall certify and send a copy of the said inquisition to the clerk of the said court, and the court shall thereupon cause process to issue, and bring in the bodies of the person or persons entrusted by the company with the care and superintendence of such part of the said road as shall be found defective as aforesaid; and shall in a summary way enquire into the fact, and enter up a judgment according to the nature of the case, the aggravation and neglect as aforesaid, as the said court in their discretion shall judge proper: *Provided*, the fine in no instance shall be less than twenty, nor exceed one hundred dollars; and the fines so imposed shall be recovered in the same manner as other fines against said company, and be paid over and go towards lessening the county levy for the proper county.

Of keeping
accounts of
monies for
stock, &c.

Sec. 18. *Be it further enacted*, That the president and managers of the said company shall keep fair and just accounts of all monies which shall be received by them, from the subscribers for stock of the said company, on account of their several subscriptions, and of all penal-

ties for the delay in the payment thereof, and of the amount of the profit on the shares which may be forfeited as aforesaid, and also of all monies by them expended in the prosecution of their work ; and shall, once at least in every year, submit such accounts to a general meeting of the stockholders, until the said road shall be completed, and until all the costs, charges and expences of effecting the same shall be fully paid and discharged and the aggregate amount of such expences shall be liquidated and ascertained ; and if upon such liquidation, or whenever the whole capital stock of the said company shall be nearly expended, it shall be found that the said capital stock will not be sufficient to complete the said road according to the true intent and meaning of this act, it shall and may be lawful for the said president, managers and company, at a stated or special meeting, to be convened according to the provisions of this act or their own by-laws, to increase the number of shares to such extent as shall be deemed sufficient to accomplish the work, and to open books for subscription for such additional shares, or sell, for the benefit of the company, as they may think proper, and to demand and receive the monies subscribed or sold for such shares, in like manner and under the like penalties as are herein before provided for the original subscriptions, or as shall be provided by their by-laws.

Sec. 19. *Be it further enacted.* That the said president, managers and company shall also keep a just and true account of all and every the monies to be received by their several and respective collectors of tolls, at the several gates or turnpikes on the said road, which shall not exceed one for every five miles, after the road is completed, from the beginning to the end thereof, or such part thereof as shall from time to time be completed as aforesaid ; and after the said road shall be completed, or so much thereof as it may from time to time be deemed expedient to make and finish, shall make and declare a dividend of the clear profits and income thereof, all contingent costs and charges, and a reasonable fund for repairs, and for progressive improvement and accomplishing of the work, being first deducted and reserved, among all the subscribers to the stock of the said company, and shall, on the first Monday in April and October, in every year, publish the half yearly div-

1816.

Accounts of
monies for
tolls, &c.

1816.

Abstract to
be laid before
the legisla-
ture.

idends to be made of the clear profits among the stockholders, and of the time and place when and where the same will be paid, and shall cause the same to be paid accordingly.

Sec. 20. *Be it further enacted,* That the said president and managers shall, at least once in every year, after the company shall be organised, lay before the general assembly of the commonwealth of Kentucky, during their session, an abstract of their accounts, showing the amount of their capital expended in prosecution of their works, and of the income and profits arising from the said toll, for and during the said respective periods, together with an abstract account of the costs and charges of keeping the said road in repair, and all other contingent costs and charges, and such other general information respecting the company and their progress, as they may think necessary, to the end that the clear annual income and profits thereof may be ascertained and known.

Posts to be
erected and
mile-stones;
rates and div-
idends.

Sec. 21. *Be it further enacted,* That the said company shall cause posts to be erected at the intersection of every road falling into and leading out of the said turnpike road, with boards and an index hand pointing to the direction of such road, on both sides whereof shall be inscribed, in legible characters, the name of the town or place to which such road leads, and the distance thereof in measured or computed miles; and shall also cause mile-stones to be placed on the side of the said turnpike road, to designate the distances to and from the principal places thereon; and also, shall cause to be affixed on the gates to be erected, for the information of travellers and others using the said road, a printed list of the rates of toll, which from time to time may be lawfully demanded; and if at the end of three years after the said first section of the said road shall have been completed, it shall appear that the clear income and profits will not yield a dividend of six per centum per annum on the capital stock so expended, from the time of investing the same, then it shall and may be lawful for the president and managers to increase the tolls herein before allowed, so much on each and every allowance thereof as will raise the dividend up to six per centum per annum; and if at any time it shall appear by the said abstract, that the said income and profits will yield

a dividend exceeding twelve per centum per annum, then the said tolls shall be reduced so as to reduce the dividend down to twelve per centum per annum. 1816.

Sec. 22. *Be it further enacted,* That if any person or persons shall wilfully break, deface, pull down, up or prostrate any mile-stone or mile-post, which shall be placed in pursuance of this act, on the side of said road, or shall obliterate the letters or figures inscribed thereon, or shall wilfully break, pull down, deface, destroy or injure any direction post, which shall be erected in pursuance of this act, at the intersection of any road as aforesaid, or the board or index hand affixed thereto, in conformity with the directions of this act, or shall obliterate the letters or figures inscribed or marked thereon, or destroy, deface or obliterate the letters, figures or other characters marked at any turnpike or gate which shall be erected in pursuance of this act, for all or any of the purposes therein mentioned, or the whole or any part of any printed list of the rates of tolls, which shall be affixed in pursuance of the directions of this act, at such gate or turnpike, he or they so offending in the premises, shall, and each of them shall, for every such offence, severally and respectively forfeit and pay to the said president, managers and company, the sum of twenty dollars, to be sued for and recovered, with costs of suit, before any justice of the peace, in manner aforesaid.

Concerning
posts & mile-
stones.

Sec. 23. *Be it further enacted,* That all waggoners, carters and drivers of carriages of all kinds, whether of burthen or pleasure, using the said road, shall, except when overtaking and passing by a carriage of slower draught, keep their horses and carriages on the right hand side of the said road in the passing direction, leaving the other side of the said road free and clear for other carriages to pass and re-pass; and if any carter, waggoner or driver shall offend against this provision, he shall forfeit and pay any sum not exceeding five dollars, to any person who shall by reason thereof be obstructed in his passage, and will sue for the same, before any justice of the peace, to be recovered with costs of suit in manner aforesaid.

Keep on the
right hand.

Sec. 24. *Be it further enacted,* That if any toll-gatherer on the said road shall demand from any person or persons using the said road, any greater rate of toll than

Toll-gather-
er's penalty

1816.

by this act is authorised and allowed, such toll-gatherer shall forfeit and pay the sum of twenty dollars for every such offence, one half towards lessening the county levy of the county where the offence was committed, the other half to the use of the person suing for the same, to be recovered before any justice of the peace in manner aforesaid.

Respecting
suits.

Sec. 25. *Be it further enacted,* That no suit or action shall be brought or prosecuted for any penalties incurred by this act, whether by or against the company, unless such suit or action shall be commenced within six months next after the fact committed, unless the party of their own act prevent it being sooner brought, and the defendant or defendants in such suit or action may plead the general issue, and give this act and the special matter in evidence, and that the same was done in pursuance and by the authority of this act.

Powers of
company may
cease.

Sec. 26. *Be it further enacted,* That if the said company shall not within three years, proceed to carry on the work, or shall not within ten years after being organised, as aforesaid, complete the same according to the true intent and meaning of this act; then, in either of these cases, it shall and may be lawful for the legislature of this state to resume all and singular the rights, liberties, privileges and franchises, by this act granted to the said company.

Legislature
may possess
the road.

Sec. 27. *Be it further enacted,* That if the legislature of this commonwealth should at any time after twenty years had expired from the time the said road was completed, in the full extent, think proper to take possession of the said road for the purpose of declaring it a free road, the governor, with the advice and consent of the senate, shall appoint six persons, the president and managers six, who or any seven or more of them, not having any interest in said road, shall proceed to examine and estimate the value of the property which the said company have therein, and certify the amount thereof to the governor, who shall cause the same to be laid before the next legislature, who, if they approve thereof, and whenever the amount so certified, shall be by law paid to the said company, and not till then, their right to take toll on said road, together with all their right, title, claim and interest therein, shall cease and determine.

Sec. 28. *Be it further enacted,* That the ground over which the said contemplated road passes, shall be so dug down and levelled, that when completed, the elevation thereof, shall not exceed five degrees. 1816. Five degrees elevation.

Sec. 29. *Be it further enacted,* That of the capital stock in the said company, hereby authorised to be subscribed, five hundred shares thereof shall be reserved for the use of, and on behalf of the state, to be subscribed and paid for in such manner as the legislature shall hereafter direct. Five hundred shares for the state.

Sec. 30. *Be it further enacted,* That the subscription had and received at each place, when books shall be opened to receive them, shall respectively be laid out on that part of the road, commencing at the town where made, to wit: Subscriptions, where to be first laid out.

Those at Lexington on that part of the road commencing at Lexington; those at Frankfort on that part commencing at Frankfort, east and west, as the president and managers shall direct; and those in Jefferson county commencing at Louisville; and the subscriptions on behalf of this state when made, on that part where the president and managers may think most for the interest of the public generally: *Provided*, that in the opinion of the president and managers, a majority of the whole concurring, it would be for the interest of the company and the public, that different points of commencing the work should be laid down: *Provided also*, that when subscriptions shall be made at places through which the contemplated road does not pass; in that case to be laid out where the president and managers shall direct.

And whereas, this legislature with anxious anticipation looks forward to the time when the great national turnpike road from the seat of the general government, will reach the boundaries of Kentucky, and that she may be ready to meet this great national improvement: Therefore, Preamble to the Maysville road.

Sec. 31. *Be it further enacted,* That a company shall be formed under the name, style and title of the "Maysville and Lexington Turnpike Road Company." for the purpose of forming an artificial road from Maysville through Washington, Paris, and thence to Lexington. The capital stock of said company shall be three hun- Company formed. Capital stock

1816. } dred and fifty thousand dollars, divided into three thousand and five hundred shares of one hundred dollars each.

Books opened, &c. } Sec. 32. *Be it further enacted*, That books for the subscription in the stock of said company, shall be opened on the first Monday in April next, at the following places, under the direction and management of the commissioners hereinafter named; that is to say, at Maysville, under the directions of John Sumrall, Johnson Armstrong and Morris Langhorn; at Washington, under the direction of James A. Paxton, David Massie and John Chambers; at Paris, under the direction of Hugh Brent, Thomas Jones, Valentine Piers and Washington Ward; at Lexington, under the direction of Lewis Sanders, Thomas Bodley, James Prentiss and Bushrod Boswell; at Millersburg, under the direction of James M'Clelland and Daniel Talbot; at Mayslick, under the direction of James Morris and John Shotwell, sen.; at Carlisle, under the direction of Samuel M. Vaugh and Maurice Morris. The commissioners named at each of the places before named, shall procure one or more books, and in each of them enter as follows:

"We whose names are hereunto subscribed, do promise to pay to the president, managers and company of the Maysville and Lexington turnpike road, the sum of one hundred dollars for every share of stock in the said company, set opposite to our respective names, in such manner and proportions, and at such times as shall be determined by the president and managers of the said company, and agreeable to the act of the general assembly of the commonwealth of Kentucky, to incorporate a company for making an artificial road by the best and nearest route from Maysville through Washington, Paris to Lexington. Witness our hands the _____ day of _____ in the year of our Lord one thousand eight hundred and _____." The said commissioners shall possess the same powers, be governed by the same rules and perform the same duties, and do every act and thing which the commissioners can or ought to do, as laid down for the government of the commissioners to the Lexington and Louisville turnpike company, and the commissioners hereby authorised to open books for subscriptions to the capital stock in said company, shall return the amount of the

subscriptions in the same manner and time to the commissioners at Paris, who shall thereupon perform and do all the duties enjoined on the commissioners at Shelbyville, and cause the election to be held for a president, sixteen managers and treasurer, at the court-house in the town of Paris, in the same manner and under the same rules as is before laid down for the Lexington and Louisville turnpike company: *Provided*, that five managers shall be elected from the county of Mason; from the county of Bourbon, five; from the county of Fayette, four; in the county of Nicholas, two. And whenever the said company shall be so organized, they shall be a body politic and corporate in deed and in law, by the name, style and title of the president, managers and company of the Maysville and Lexington turnpike road; and by the said name, the said subscribers shall have perpetual succession and all the privileges and franchises incident to a corporation, and shall be capable of taking and holding their said capital stock, and the increase and profits thereof, and of enlarging the same from time to time by new subscriptions, in such manner and form as they shall think proper, if such enlargement shall be found necessary to fulfil the intent of this act, and of purchasing, taking and holding to them and their successors and assigns, and of selling, transferring and conveying in fee simple all such lands, tenements, hereditaments and estate, real and personal, as shall be necessary to them in the prosecution of their works, and of suing and being sued, implead and be impleaded, answer and be answered, defend and be defended, in courts of record or any other place whatsoever; and also to make, have and use a common seal, and the same to break, alter and renew at pleasure.

1816.

Sec. 33. *Be it further enacted*, That of the capital stock in said company hereby authorised to be subscribed, five hundred shares thereof shall be reserved for the use of, and on behalf of the state, to be subscribed for and paid for in such manner as the legislature shall hereafter direct.

Five hundred shares for state.

Sec. 34. *Be it further enacted*, That the subscriptions had and received at each place, where books shall be opened to receive them, shall respectively be laid out on that part of the road commencing at the town where

Subscriptions, where to be first laid out.

1816.

made, to wit: Those at Maysville, on that part of the road commencing at Maysville; those at Washington, on that part commencing at Washington, east and west; those at Paris, commencing at Paris, north and south; those at Lexington, commencing at Lexington, north; and the subscriptions on behalf of the state, when made, on that part, where the president and managers may think most for the interest of the public generally: *Provided*, that in the opinion of the president and managers, a majority of the whole concurring, it would be for the interest of the company and the public, that different points of commencing the work should be laid down: *Provided also*, that where subscriptions shall be made at places through which the contemplated road does not pass, in that case to be laid out, where the president and managers shall direct.

Powers of
the president
&c.

Sec. 35. *Be it further enacted*, That all the power and authority, all the privileges, franchises, penalties, forfeitures and emoluments, and all and every power, right and every other thing which can be done by the president, managers and company of the Lexington and Louisville turnpike road, shall and may be done by the president, managers and company of the Maysville and Lexington turnpike road; and the whole of the act to establish and incorporate the said Lexington and Louisville turnpike road company, so far as the same will apply, shall be, and the same is hereby declared to be in force, as to the Maysville and Lexington turnpike road company.

CHAPTER DXVI.

An ACT providing for a change of Venue in the case of William Montgomery.

Approved February 4, 1817.

He was indicted in Hardin for larceny: This act permitted him to be tried in Bullitt, if he should choose it.

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CHAPTER DXVII.

1816.

An ACT regulating Clerks' fees, and for other purposes.

Approved February 4, 1817.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky, That the clerks of the circuit courts and county courts, (so far as the services of clerks of the county court shall correspond with the other clerks) shall be allowed and receive the following fees, and no more, for the respective services performed by them, to wit:*

	<i>Cents.</i>
For every writ, other than those hereinafter particularly specified, and excepting writs of enquiry, with the endorsements thereon, if any,	25
For a copy thereof, if required, and actually made out for the person applying,	15
Entering sheriff's return, or for a copy thereof, if required and actually made out,	12½
Docketting every cause to be charged but once in any one suit,	8
Entering the appearance of either party by attorney or in proper person, provided such appearance is actually noted or entered on the order book,	8
Entering special bail in court and all services relative thereto, or a copy if required and actually made out,	18
Filing each declaration, plea, replication, rejoinder, and each branch of the pleadings till the issue is made up, except the joinder in issue; also for each demurrer and joinder in demurrer, and noting the same on the order book in open court,	10½
Every order of court in the management of causes, counting the whole entry one order, and not including any entry required by law, for which a fee is specially allowed,	25
For a copy thereof, if applied for and actually made out,	18
Every trial, including the swearing of the jury and witnesses, and recording a general verdict,	75
Every trial, swearing the jury and witnesses, if there is a special verdict, or for a case agreed,	100

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Cents.

Entering every judgment, including all services incident thereto, or for a copy thereof, if applied for and actually made out,	18
Taxing costs in every suit where costs are recovered, or for a copy thereof, if applied for and actually made out,	18
Every <i>scire facias</i> and recording return thereof,	40
Every execution of <i>capias ad satisfaciendum</i> , <i>feri facias</i> , or <i>capias pro fine</i> or <i>distringas</i> , on an original judgment, or on a replevin or forthcoming bond, or bond for land or other property sold at three months' credit,	33
Every writ of <i>elegit</i> ,	50
Recording return thereof, for every twenty words,	1½
Copy of an execution and return, when applied for and actually made out,	25
Recording the report of auditors, commissioners, or the award of arbitrators, for every twenty words,	1½
For every order allowing the attendance of witnesses, or allowance to commissioners for valuing improvements and rents, to be charged to the party against whom such order goes, and if more claim at the same time, only the charge for one order is to be allowed,	18
A copy thereof,	15
Issuing every attachment,	18
Injunction bond, or appeal bond, or a <i>certiorari</i> ,	33
A copy thereof, if required and actually made out pursuant to such application,	20
Returning a <i>certiorari</i> ,	25
Filing an appeal,	12½
Recording the acknowledgment of the satisfaction of a judgment,	18
Each summons for a witness or witnesses,	18
If more than one witness is included in one subpoena, the charge on that account shall not be increased.	
Administering an oath in court not relating to the trial of any cause there-depending, and certifying the same,	18
Copying and certifying an account filed, for one page or less,	18

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	Cents.	1816.
If more than one page, for every twenty words,	1½	1816.
Filing every attachment granted by a justice of the peace,	12½	
Each summons for a garnishee or garnishees on an attachment,	18	
Administering an oath to a garnishee or garnishees,	18	
Recording the confession of a garnishee,	15	
Subpœna in chancery,	21	
Endorsement of an injunction, or issuing an injunction separately,	10	
Filing a bill, answer, replication, or other pleadings in chancery, and noting the same on record,	10	
Order to advertise, or order of survey, including all appendages thereto,	37½	
Recording connections of surveys in surveyor's reports, for every survey, with the references, except town plats,	12½	
Copy thereof, each,	6	
Recording the report of a surveyor, for every twenty words, (references and notes of explanation excepted)	1½	
A copy of the same, for every twenty words,	1½	
A commission to take depositions, when applied for and actually issued,	25	
Search for any deed of conveyance, letter of attorney, or other writing recorded in the office, if above one year's standing, and reading the same, if no copy is given,	12½	
Filing the papers of each party in every cause, other than the process or pleadings, or depositions or papers referred to and profert made thereof in the pleadings, to be charged but once,	18	
Affixing the seal of office and certificate accompanying the same,	50	
Each official certificate, except such as are attached to copies of papers, or records or conveyances, or endorsements on papers filed in the office,	25	
Recording an official certificate made by any officer or officers, on any deed or letter of attorney, except such certificate is introduced into the record of any suit by agreed case, bill of exceptions or demurrer to evidence,	25	

1816.

Cents.

Copy of petition filed to accompany the summons, and but one to be issued by the clerk for each defendant in the same county,	50
Issuing a summons thereon,	25
Recording the return thereof,	12½
Filing the depositions of each party, to be charged but once in causes where depositions are actually filed,	15
Entering every decree at large, for every twenty words,	1½
Every writ of <i>de idiota inquirendo</i> ,	25
Recording return thereof, for every twenty words,	1½
Making a complete record in every cause where required by law, for every twenty words,	1½
Every writ of <i>certiorari</i> ,	33
Making a complete record and certifying the same, when required and made out for either party, for every twenty words,	1½
Every copy of any paper properly certified, when applied for and actually made, except accounts and other papers herein specially allowed, for every twenty words,	1½
Recording a deed of bargain and sale for lands, made by commissioners pursuant to an order of court, with the certificates thereon, taking the acknowledgment and making the order of court relative thereto and certifying the same, for the whole service,	100
For every additional tract of land contained therein, described by its boundaries, and not by its numbers, like town lots,	25
A copy of such deed, three-fourths of the price for recording the same.	
To the clerk of the county courts, for recording and certifying a deed of conveyance of land, taking the acknowledgment and proof thereof, and certifying the same and recording his own certificate therewith, for the whole service,	100
For recording every certificate from other officers,	25
For every additional tract contained therein, if described by its boundaries and not by its numbers, as town lots,	25

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	Cents.	1816.
For a copy thereof with the certificates, three-fourths of the fee for recording the same.		
For making out and transmitting a memorial of any deed,	12½	
Issuing a commission for taking the privy examination and acknowledgment of a married woman, and for recording the same, and the return thereof,	75	
Taking the relinquishment of the dower or estate of a married woman and certifying the same,	21	
Recording a conveyance of slaves or personal estate, taking the acknowledgment and proof thereof, with orders and certificates, including the whole service,	75	
Copy thereof, with certificates,	57	
Recording letter of attorney, with certificates, taking the acknowledgment thereof, including the whole service,	50	
Copy thereof, with certificates,	50	
Recording a bond to convey lands, or articles of agreement, if acknowledged or proved, and required by law to be recorded, with certificates,	50	
A certified copy thereof, with certificates,	50	
Sec. 2. <i>Be it further enacted</i> , That the clerks of the county courts of this commonwealth shall be entitled to the same fees as the clerks of the circuit courts are allowed by this act, for all services of the same nature, which they may be compelled to perform by law; and in addition thereto, the following, for those services which exclusively belong to their office, to wit:		
	Cents.	
For the probate of any will or testament, and certificate, including all services relating thereto,	33	
Recording a will, or inventory, or appraisement, settlements with executors or administrators or guardians, or for certified copies thereof, for every twenty words,	2	
Administering an oath to an executor, administrator or guardian, and taking bond,	40	
Order granting administration, appointment of a guardian, or for appraising an estate,	18	
A copy thereof, when required and actually made out,	12½	

County court
clerks' fees.

1816.		Cents.
}	Certificates of administration and copy,	25
	Ordinary license and bond,	50
	Copy of tavern rates,	25
	Marriage license and taking bond,	100
	Recording certificates of marriage,	25
	Recording or copying depositions taken to perpetuate testimony, for every twenty words,	2
	Recording certificate of stray or strays,	20
	Copy thereof,	14
	Advertising the same,	16
	Order to bind out an apprentice,	25
	Writing the indenture,	50
	Recording the same,	50
	Filing an appeal from a justice of the peace and docketing the same, to be charged but once,	25
	Taking the appeal bond,	25
	For issuing a writ in the nature of a writ of <i>ad quod damnum</i> ,	50
	Recording the report of a jury thereon, for every twenty words,	2
	Making record for the establishment of a town, recording the plan thereof, and all other services relating thereto,	300
	Copying and certifying the commissioners' books of taxable property, for every line reaching across the page or pages, including the name of the person and the last number of total value,	1
Allowance for ex officio services.	Sec. 3. <i>Be it further enacted</i> , That the clerks of the circuit courts of this commonwealth shall be allowed, for their public and <i>ex officio</i> services, a sum not exceeding forty dollars annually, to be paid out of the public treasury as heretofore.	
Allowance to the clerks of county courts for ex officio & public services.	Sec. 4. <i>Be it further enacted</i> , That the clerks of the county courts shall be entitled, for their <i>ex officio</i> and public services, to wit: For entering and copying orders for viewing and opening roads, entering and copying orders for appointing surveyors of highways and constables, entering the levy and copies thereof, and all other public services, for which no particular fee or fees are hereby allowed, to be levied annually by the justices of the county court, a sum not exceeding forty dollars; and if the clerk of any circuit or county court shall ask, demand or receive any greater or other fees	
Penalty for making an improper charge.		

than is allowed by this act, he shall be subject to all the pains and penalties therefor provided by law.

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Sec. 5. *Be it further enacted*, That the clerks of courts shall be subject to an action or actions of trespass, for any distress made on the goods, chattels or slaves of any individual or individuals, bodies politic or corporate, by virtue of any fee-bill which contains any illegal or improper item therein; and no clerk of any court in this state, in any such action of trespass, shall be allowed to justify under any fee-bill issued by him, if said fee-bill shall contain on its face a single illegal item or charge, or an item for which the services have not been actually performed, or shall omit the name or names of any of the parties legally chargeable therewith, or shall have been paid, or shall not strictly comport with the several laws in force on the subject of fee-bills; and in such actions of trespass, the finding of the jury, if for the plaintiff or plaintiffs, shall not be less than three times the amount of the illegal items contained in the fee-bill or fee-bills by virtue of which such distress was made.

Clerks liable to an action for distress made to satisfy an illegal fee-bill.

Verdict of the jury shall not be less than 3 times the amount of the illegal charge

Sec. 6. *Be it further enacted*. That if any person or persons shall pay any fee-bill or fee-bills, in which he may suspect or believe that there are some erroneous charges or items, or that such fee-bill or fee-bills shall contain items for services not actually rendered, or that such fee-bill or fee-bills do not comport with the law in every respect, he, she or they may hand such fee-bill or fee-bills to the circuit judge who presides in the county where the person or persons having paid said fee-bills reside, either in vacation or term time, as may be most convenient, and thereupon the said circuit judge shall inspect said fee bill or fee-bills, and if there shall be any item or charge contained in said fee-bill or fee-bills, or any of them, not authorised by law, or any item for services not actually rendered, or if the name or names of any of the parties chargeable with such fee-bill or fee-bills shall be omitted, or said fee-bill or fee-bills shall not comport with the law in every respect, the said circuit judge, at the next circuit court holden for said county, if he shall have received said fee-bill or fee-bills in vacation, or at the same court, if he shall have received them in term time, shall, without any notice to said clerk, proceed to quash such fee-bill or fee-bills, and to order the clerk to restore the money which has been

Manner of proceeding on an illegal fee-bill.

Circuit judge to inspect it.

Quash the fee-bill and fine the clerk.

1816.

Fine.

Proviso.

Who shall be
charged with
the fees in
quashing
such fee-bills
&c.

Distress of
the property
of bodies po-
litic for ille-
gal fee-bills.

Officer shall
make out a
copy.

paid for the whole of said fee-bill or fee-bills so quashed; and shall further proceed to fine the clerk who has issued such erroneous fee-bill or fee-bills, in favor of the party so having paid the same, in any sum not less than one dollar nor more than four dollars for such item so improperly charged. But if the said circuit judge shall be of opinion that there is no error in such fee-bill or fee-bills, for which they ought to be quashed according to the provisions of this act, he shall restore it or them on application to the person or persons placing them in his hands, without any costs or expence. And to recover the money so ordered to be restored, upon the quashing of any fee-bill or fee-bills, and also the fines by this act directed, the party shall be entitled to execution of *fiert facias* or *capias ad satisfaciendum*, as in other cases of judgments, on which executions shall be endorsed that "no security of any kind shall be taken;" and if any fee-bill or fee-bills shall be quashed in the court whose clerk has issued them, he shall not be entitled to any fees for the services, orders, entries or executions allowed by this act. But if such fee-bill or fee-bills shall have been issued by the clerk of any other court, all fees for the orders, entries and executions allowed by this act, in the case of quashing such fee-bill or fee-bills, and inflicting the fines and recovering the money, shall be charged by the clerk who performs the services to the clerk who issued such erroneous fee-bill or fee-bills, and shall be collected as other fees allowed to clerks by law in other cases.

Sec. 7. *Be it further enacted*, That if distress shall be made on the goods, chattels or slaves of any person or persons, bodies politic or corporate, by any officer authorised to collect fee-bills by distress, and the person or persons, bodies politic or corporate, whose property shall be so distrained, shall suspect that there are any illegal item or items in said fee-bill or fee-bills, or that they contain any of the illegalities for which said fee-bill or fee-bills may be liable to be quashed according to the provisions of the sixth section of this act, he, she or they may apply to the officer so making said distress for a correct copy of said fee bill or fee bills, and he shall make the same out in an accurate manner, and shall be entitled to a fee of twelve and one half cents for said copy, paid at the time of the delivery thereof; and there-

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upon the person or persons, bodies politic or corporate, against whom such fee-bill or fee-bills shall have issued, may lay said copy before the circuit judge who presides in the circuit court of his, her or their county; and if the said judge shall be of opinion that said fee-bill comes within the provisions of this act, he shall forthwith issue his order directing the officer making the distress to stop further proceedings till the matter is determined in court; and the officer making the distress shall obey said order, and restore the property so distrained; and the circuit judge, if he has issued said order in term time, shall proceed to quash said fee-bill or fee-bills, and fine the clerk issuing the same, as directed by the sixth section of this act; or if he shall issue his order of restraint in vacation, he shall proceed at the next circuit court holden in and for that county, to quash the said fee-bill or fee-bills, and fine the clerk who has issued the same, in the same manner as is heretofore directed by this act in case of fee-bills already paid.

Sec. 8. *Be it further enacted*, That in all suits in chancery or at common law, where there are more complainants or plaintiffs, or more defendants than one, and such parties shall sever in their pleas, answers, replications or other pleadings, so that any one or more of them shall cause the clerk to render separate services, for which the rest ought not to be liable; or if in the progress of the causes, any one or more of the parties, complainants or plaintiffs, or defendants, shall incur costs due to the clerk which are clearly severable from the preparations of other parties on the same side, the clerk shall charge such fees separately to those for whom the service was separately rendered, and shall not include the remaining parties on the same side in said fee-bill; and if any clerk shall otherwise issue his fee-bill or fee-bills, or in his fee-bill or fee-bills shall omit the name of any person chargeable therewith, or shall insert the name of one not chargeable therewith, his fee-bill or fee-bills so wrongfully issued, shall be subject to be quashed, and he to be fined, or to an action of trespass, according to the provisions of the fifth, sixth and seventh sections of this act.

Sec. 9. *Be it further enacted*, That executors, administrators and guardians, in all suits in their representative character, and in which judgment or decree ought

1816.

May lay it before the circuit judge.

Shall restrain the officer from further proceedings.

Judge shall quash the fee bill and fine the clerk as in other cases

Where parties in chancery sever in their pleadings, or for separate services rendered, a fee-bill shall issue separately.

Penalty for failing so to issue them.

Executors, administrators and guardians, in all suits in their representative character, and in which judgment or decree ought

1816. or might be entered against the goods and chattels of their testator or intestate or ward, shall not be liable for the fees of any clerk, sheriff or other officer, out of their own estate ; but such charges shall be made against and collected out of the goods, chattels and slaves of their testator or intestate or ward alone, and no distress shall be otherwise made for any such fee-bills issued against them : *Provided, however,* that if such fee-bill or fee-bills are returned "no property found," the clerk or other officer may recover the amount, or part thereof, before any justice of the peace, or by a suit in any court having jurisdiction of like sums, as may suit the amount of the fee-bill, against executor, administrator or guardian, out of his own proper estate ; *Provided,* such officer holding the fee-bill or fee bills can show that there are assets sufficient to discharge the demand, or part thereof, in the hands of said executor, administrator or guardian.

Previso.

Further proviso.

Clerks shall tax costs, &c. Sec. 10. *Be it further enacted,* That the clerk of each court shall tax all costs due to him when he is about to issue any execution in words at length on some of the papers filed, or on some other paper filed by him among the papers in the suit ; and the circuit court of any county shall, on the request of any defendant or defendants, in any execution, who may suspect that he, she or they have been charged with illegal fees of the opposite party, for which the clerk may hold the other side responsible and include them in the execution, inspect and revise said taxation in any action or suit ; and if upon such inspection, it shall appear that the clerk has charged one single item of the costs of the other party, which the law as it now exists, does not allow to be charged against the plaintiff or plaintiffs in such execution, such circuit court shall forthwith render judgment against such clerk for the amount of the item or items so improperly taxed and included ; and shall also inflict a fine on the clerk, of four dollars for every such item, which shall be recovered by execution as directed in the sixth section of this act without replevin ; and no notice to the clerk shall be necessary for such proceeding, nor shall he be entitled to any fees for any order, entry or execution allowed by this section of this act.

May fine cl'k for taxing im proper sums.

This act not Sec. 11. *Be it further enacted,* That nothing in this act contained shall be so construed as to repeal so much

of the latter part of the fourteenth section of an act entitled "an act to reduce into one the several acts for the better regulating and collecting certain officers' fees," approved the 23d day of December, in the year one thousand seven hundred and ninety-eight, as allows persons to proceed for illegal and improper charges before a justice of the peace; or to repeal so much of the act entitled "an act to amend the several acts of assembly concerning clerks of courts in this commonwealth," approved the thirty-first day of January, in the year one thousand eight hundred and ten, as allows any person or persons to proceed by motion against any clerk in the court of which he is clerk; but any person or persons may proceed against any clerk or clerks according to the provisions of the first and second recited act, or of this act, as he, she or they may elect, or as one of the different acts may best suit his case.

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to repeal part of the 14th section of '98

Nor to repeal act of 1810.

Persons injured may proceed under this act or the other acts at their election

Sec. 12. *Be it further enacted*, That the clerks of the several county and circuit courts within this commonwealth, where clerks' offices have been heretofore erected, either on the public ground or within the limits of the town-lots of the several seats of justice, shall from and after the first day of May next, keep their respective offices in the buildings so provided; and where no office or offices have been provided on the public ground, or within the limits of the town lots of such seat of justice, it shall be the duty of the several county courts as soon as it may be convenient, to erect public buildings on the public ground at their respective court-houses, or within the limits of their several towns as they may think proper. And the said clerks shall keep their offices in the buildings so provided, any law to the contrary notwithstanding.

Clerks of circuit and county courts to keep their offices at the seat of justice

Sec. 13. *Be it further enacted*, That every clerk failing or refusing to comply with the provisions of the foregoing section, shall forfeit and pay the sum of ten dollars for every twenty-four hours he or they shall so fail or refuse, recoverable by action of debt before any court having competent jurisdiction, by any person who shall sue for the same.

Penalty on clerk failing to keep his office at the court-house.

This act shall commence and be in force from and after the first day of April next.

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CHAPTER DXVIII.

An ACT to provide for a more speedy recovery of the custody of Children or Wards.

Approved February 4, 1817.

Any person entitled to the custody of a wife, child or ward may sue out a writ.

The form thereof.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That in case the wife or child of any person in this commonwealth or the ward of any guardian, have been or shall be taken forcibly or persuaded and enticed away from the home, dwelling or custody of a husband, father or guardian, as the case may be, the party so aggrieved, shall be entitled to a writ for the recovery of the custody of such wife, child or ward, to the following effect: "The commonwealth of Kentucky to the sheriff of ——— county, greeting: You are hereby commanded to take the body, (or bodies, as the case may be,) of C D, late of your bailiwick, and them safely keep, so that you have his, her or their body or bodies, before the judges of our ——— circuit court, at the court-house in ——— on the first day of our next ——— term, to answer A B of a plea, wherefore, he, she or they, have taken and detained the wife of the said A B, (or the male or female child or ward of the said A B, whereof he is guardian,) by the name of E F, to the damage of the said A B ——— dollars; and have then there this writ. Witness, G H, clerk of said court," &c.; concluding the writ as in other cases.

Form of the declaration.

Sec. 2. *And be it further enacted*, That the declaration or count, filed on such writ, shall be to the following effect, with such modifications as shall be necessary to suit the case, to wit: "A B complains of C D in custody, &c. of a plea of taking and detaining his wife, (child or ward,) for that the said C D, on the ——— day of ——— in the year ——— at the county and circuit aforesaid, did entice away (or forcibly take away and detain or detain, as the case may be,) E F, the wife (or female child or male child or ward,) of the said plaintiff, and her or him, still detains, and other wrongs and enormities to the plaintiff, then and there did to the damage of said plaintiff, ——— dollars, and therefore he sues."

Proceedings under said writ.

Sec. 3. *Be it further enacted*, That said writ shall be subject as to the mode of procedure and conducting the

same, to the same rules and regulations as other actions or suits of a like nature, are, by the laws of this state, except that the same shall be docketed immediately after the pleas of the commonwealth, and shall have the preference in trial over other suits at common law; and the defendant or defendants in such suit, may plead that he, she or they, are not guilty, or that he, she or they, have not taken and detained, or detained the said wife, child or ward, in the declaration alledged, or that the plaintiff's cause of action did not accrue, whether five years, or any other plea which goes to shew that the plaintiff is not entitled to the custody of said wife, child or ward; and if there be more defendants than one, they may either join or sever in their defence, and the acquittal of one shall not be a cause for discharging those who are convicted by the verdict; and if the plaintiff shall declare for the caption and detention, and shall only prove the caption and not the detention, or the detention or harboring and entertaining, and not the caption, or shall not prove all of his cause of action as alledged, he shall not for that cause be non-suited, but may recover for such part as he shall prove, and after verdict, all statutes of amendment and joinder, shall apply as in other cases.

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To be docketed after the pleas of the com'th.

What may be pleaded to such a suit.

Def'ts. may sever in pleading and an acquittal of one shall not operate as a discharge of another.

The plaintiff not non-suited if he prove part of his cause of action.

Sec. 4. *Be it further enacted*, That on the trial of such action, the plaintiff shall be allowed to give in evidence any artifice, trick, device or force which may have been resorted to by the defendant or defendants, or either of them, in taking enticing away, detaining or harboring such wife, child or ward, for the purpose of aggravating the damages; and the defendant shall be allowed to rebut the same by any competent proof; and on executing a writ of enquiry on default, or rendering a verdict responsive to the issue or issues as in other cases, if in favor of the defendant or defendants or either of them, he, she or they so acquitted, shall recover costs as in other cases; and if the verdict be in favor of the plaintiff against all or part of the defendants, the jury shall find in his favor, the wife, child or ward, against such defendant or defendants as may have taken, kept or harbored the same, together with such damages, for taking either forcibly or by stratagem, or detaining or misusing said wife, child or ward, as they may deem

What evidence admissible on either side.

1816. *reasonable at their discretion; and if they see cause, may either find the damages jointly or severally against one or all of the defendants, if there be more than one; and the court shall enter up judgment in favor of the plaintiff agreeably to the verdict, that he recover such wife, child or ward, and the damages by the jurors in their verdict assessed against such defendants as may be convicted, together with the costs of suit; and to effectuate said judgment, a distringas may issue for the recovery of the wife, child or ward, as the case may be, which shall be governed by the same rules and regulations as writs of distringas are in actions of detinue, and either joined with such distringas or separately, at the election of the plaintiff, a writ or writs of *steri facias* or *capias ad satisfaciendum*, may issue for the recovery of the damages assessed, as in the case of other judgments sounding in damages.*

Substance of the verdict, &c. *Sec. 5. Be it further enacted, That if any husband, father or guardian entitled to the writ, by this act allowed, shall have cause to believe that there will be an attempt, or that there is an intention of removing the wife, child or ward, out of this state, he may on the emanation of the aforesaid writ, make oath or affirmation before any circuit judge, that he does believe and fears that such removal will be attempted, and add to such oath such existing circumstances as the said judge may inquire into; and thereupon said circuit judge may endorse on the writ aforesaid, "that proper oath or affidavit is made before him," and direct the sheriff to require of the defendant or defendants to give bond and security payable to the plaintiff, under such penalty as the judge may fix, to have such wife, child or ward forthcoming to answer the judgment of the court, and the sheriff shall be governed by said order, and execute the same accordingly at the time he executes said writ, like a writ of *habeas corpus*.*

Judgment thereon.

The process thereon.

Bail may be required.

CHAPTER XXIX.

An ACT to incorporate the Green River Iron Manufacturing Company, and the Licking Iron Company.

Approved February 4, 1817.

CHAPTER DXX.

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An ACT for the benefit of Mary Ward and William Marrs.

Approved February 4, 1817.

The act gave Mary Ward 50 acres of land, on which she lived, in Knex county, and authorised registering a survey for William Marrs.

CHAPTER DXXI.

An ACT for opening a Road from Mountsterling to Prestonsburg.

Approved February 4, 1817.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That Alexander Lackey, John Jameson and Daniel Peyton, be, and they are hereby appointed commissioners, who, or any two of them, are directed to view, survey and mark a road lying on the nearest and best way practicable, from the town of Mountsterling in Montgomery county, to the town of Prestonsburg, in the county of Floyd; and from thence to the state line on top of the Cumberland mountain, so as to unite with a road established by the state of Virginia, or by the county court of Russell county to said state line. Com'rs. appointed, &c.

SEC. 2. *Be it further enacted.* That said commissioners, be, and they are hereby directed to employ a competent surveyor, and necessary chain carriers, and that they cause said road to be surveyed, and three fair plats thereof to be made with the courses and distances annexed, and thereto they shall add their report; and that they return one of said plats and reports to the county court of Floyd, to be inspected by the court and recorded in the clerk's office thereof; and the second shall be returned to the county court of Montgomery, to be in like manner inspected by the court, and recorded in their clerk's office; and the third shall be returned to the secretary of state, and be by him laid before the general assembly at their next session. Duty of commissioners.

SEC. 3. *Be it further enacted,* That the said commissioners shall report the practicability and utility of the

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road so viewed, and its conveniences and inconveniences, and also the difficult and steep hills, mountains, deep water-courses and other obstructions, and the practicability of removing such difficulties, if such exist, in their opinion; and also, particularly and specially report the probable amount of expences necessary to make said road passable by waggons and carriages.

The county courts to appoint supervisors, &c.

Sec. 4. *Be it further enacted*, That the county courts of the different counties through which said road may pass, shall proceed to appoint supervisors of said road in every part thereof, which passes through their respective counties, and which may also pass through an inhabited territory possessing hands sufficient in their opinion to open said road; and also allot the hands and direct said road forthwith to be opened in the parts aforesaid, if the report of said viewers shall be favorable, the expediency and practicability of said road.

Com'rs. to take an oath.

Sec. 5. *Be it further enacted*, That the commissioners appointed by this act, before they enter on the duties hereby assigned them, shall take an oath or affirmation, before some justice of the peace, that they will faithfully, to the best of their skill and judgment, view said road and perform the duties assigned them by this act; and the surveyor employed by said commissioners, if he be not the surveyor of some county in this state, or the deputy of such surveyor, shall also take an oath or affirmation, faithfully and truly to survey said road, and to return a true account thereof to the best of his skill and judgment; and said surveyor is hereby authorised to administer to the chain-carriers employed, an oath or affirmation, that they will faithfully carry the chain, and render a true account of the distance according to the best of their judgment.

To employ a surveyor.

His duty, &c.

Allowance to com'rs. &c.

Sec. 6. *Be it further enacted*, That the commissioners hereby appointed, who shall perform the duties to them assigned, shall be entitled to the sum of two dollars per day, and the surveyor to three per day; and the chain carriers to one dollar per day during the time they are actually employed; and on making satisfactory proof of the length of time, they shall have been employed, before the county court of either Floyd or Montgomery counties, the court shall certify the same to the auditor of public accounts, who shall draw his warrant on the

How paid, &c.

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treasury for the amount, which shall be discharged from the treasury accordingly.

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Sec. 7. *Be it further enacted*, That the commissioners hereby appointed, may, if they deem it expedient, employ one or more proper pilots or woodsmen, who shall be entitled to one dollar fifty cents per day, to be proved, certified and paid in the same manner as the surveyors, chain-carriers and commissioners are to be paid by this act.

Com'rs. may employ pilots

Their pay.

Sec. 8. *Be it further enacted*, That the county courts of Floyd and Montgomery, upon the report of said commissioners being made to them, if the same shall be in favor of said road, shall each appoint two fit persons at their own county towns, and two more in any other convenient and proper place for the purpose of opening subscriptions for stock ; and said two persons in each place, shall open subscriptions for any number of shares that may be subscribed, at the price of one hundred dollars per share, and payable in six equal instalments, one instalment to be payable in every two successive months, commencing after the time a company may be incorporated ; and the said persons so appointed, are directed to report to the next legislature, the number of shares so subscribed, in order that the legislature may be enabled to determine on the expediency of incorporating a company for erecting a turnpike on said road.

County co'ts of Floyd and Montgomery to appoint com'rs. to obtain subscriptions to turnpike the road &c.

Their duty, &c.

CHAPTER DXXII.

An ACT to allow additional Justices of the Peace to certain Counties in this Commonwealth.

Approved February 4, 1817.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That in addition to the number of justices of the peace now allowed by law, the county of Cumberland shall be entitled to one ; the county of Henry, three ; the county of Fleming, one ; the county of Floyd, two ; the county of Caldwell, two ; and the county of Nicholas, three.

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CHAPTER DXXIII.

An ACT to authorise the Trustees of the Woodford Seminary to sell part of their Lot.

Approved February 4, 1817.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That the trustees of the Woodford seminary, shall be, and they are hereby authorised to sell and convey a part of said seminary lot in the town of Versailles, to be taken off the east end thereof, not to exceed one half acre, and apply the money arising therefrom to the repairing the house.

CHAPTER DXXIV.

An ACT for the benefit of William Hadden.

Approved February 4, 1817.

The act remitted the state price due on 113 acres of land.

CHAPTER DXXV.

An ACT for the relief of the Administrator and Securities of Samuel Ewing, deceased, former Sheriff of Mercer County.

Approved February 4, 1817.

The act gave a credit for a small sum with which the sheriff had been improperly charged.

CHAPTER DXXVI.

An ACT concerning the Penitentiary.

Approved February 4, 1817.

SEC. 1. BE it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for the governor, by and with the consent of the senate, to appoint and commission an agent to the Kentucky penitentiary, who shall receive a salary of four hundred dollars, and two and one half per cent. on the money paid by him into the treasury, to be paid quarterly out of the public treasury, in the same manner that other salaries now are.

Agent to be appointed.

His salary.

Sec. 2. *Be it further enacted,* That said agent shall, immediately after his appointment, execute bond, and shall annually on the first Monday in January thereafter, execute bond to the commonwealth of Kentucky, with security, to be approved of by the governor, in the penalty of twenty thousand dollars, conditioned as follows: The condition of the above obligation is such, that if the above bound ———, as agent of the Kentucky penitentiary, shall well and truly collect and account to the auditor of public accounts, and pay into the treasury all debts due said penitentiary; and shall account to the auditor weekly, on every Saturday, and pay into the treasury all monies received on account of said penitentiary, for all articles sold and debts collected during the preceding week; and shall in all other respects well and truly perform the duties imposed on him by law, then the above obligation to be void, else to remain in full force. Which said obligation shall be filed in the clerk's office of the general court, and shall not be void on the first recovery, but may be put in suit from time to time by the auditor, for a breach of the condition thereof.

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To execute a bond.

Condition thereof.

Sec. 3. *Be it further enacted,* That if said agent shall fail or refuse to execute bond as aforesaid annually, or should fail to give sufficient security, in the opinion of the governor, his office shall become vacant, and the governor shall immediately fill the same by the appointment of another.

A failure to give bond, a vacation of the office.

Sec. 4. *Be it further enacted,* That on the appointment of the agent, the keeper shall make out a complete inventory of all the manufactured articles then on hand, affixing prices thereto, debts due the institution, specifying separately those by bond, note and account, and receipts of officers for debts in their hands for collection, and papers and books of the institution, with the debts contracted and by whom owing; one copy of which, with all said property, books and papers, he shall deliver to the agent, and on another copy take the receipt of the agent and file it with the auditor of public accounts.

Duty of the keeper.

Sec. 5. *Be it further enacted,* That the keeper shall at the same time make out a complete inventory of all the raw materials then on hand, and another inventory of all the debts due by the institution, specifying how,

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when due, and to whom ; which inventories he shall enter on his books, and deliver over certified copies to the auditor of public accounts.

Duty of the auditor.

Sec. 6. *Be it further enacted*, That the auditor shall, on receiving the aforesaid inventories, open a new account for the Kentucky penitentiary, charging the same with the two first mentioned inventories, and crediting the same with the inventory of the debts due by the institution ; to which account he shall hereafter charge all monies drawn from the treasury for compensation to the officers thereof, by the keeper on the order of the governor, or otherwise, on account of the penitentiary, and credit the same with all monies paid into the treasury by the institution.

Duty of the agent to collect debts.

Sec. 7. *Be it further enacted*, That the agent, on receiving the property, books and papers of the institution, shall proceed to collect all the debts, in the same manner and under the same penalties as are hereafter provided, in cases of debts hereafter contracted ; the receipts of officers to be proceeded on in the same time as directed in cases of notes ; and judgments now standing in favor of the institution, the clerk shall issue execution upon in ten days after the appointment of the agent, unless otherwise directed by the agent, with the approbation of the governor.

To call on the keeper weekly for the articles manufactured.

Sec. 8. *Be it further enacted*, That the agent shall keep his office in the penitentiary, until otherwise directed by law ; and he is hereby directed, and it shall be his duty to call on the keeper, on Saturday evening of each week, and receive from him all the articles manufactured in the penitentiary during the week ; and it shall be the duty of the keeper, at the time he delivers over to the agent the said manufactured articles, to affix a price to each article, at which it must be sold, unless said price be afterwards changed with the assent of the keeper ; and the agent, at the time of receiving said manufactured articles, shall give a receipt for the same to the keeper, stating therein the price of each article ; which receipts the keeper shall carefully preserve as vouchers to his manufacturing account, and file the same with the auditor, on rendering said account ; and the said agent is hereby directed to enter in a book, to be kept for that purpose, a list of all manufactured articles and their prices, received as aforesaid from the keeper.

Sec. 9. *Be it further enacted*, That the agent may sell the articles for cash, or on a credit, at his discretion, and as the interest of the institution may require : *Provided, however*, that the agent shall give no credit for a longer time than six months.

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To make sales of articles manufactured.

Sec. 10. *Be it further enacted*, That the agent shall permit no account of the penitentiary to remain open longer than six months ; he shall close the same, and institute suits immediately after the expiration of six months, for all sums which may have been due for that length of time ; and if said agent shall permit any open account to stand longer than seven months from the date of the first item, or any bond or note to stand longer than three months after it has become due, without bringing suit thereon, he shall be liable for the amount of the same, to be recovered by the auditor by suit on his bond aforesaid ; and copies taken from the books of the agent, certified by the auditor, shall be good evidence in any suit brought by the auditor against the agent.

To close accounts with individuals every six months.

Penalty for failure.

Sec. 11. *Be it further enacted*, That the clerk of the court in which any suit may be brought and pursued to judgment by said agent, for the use of the penitentiary, shall, within ten days after the end of the term at which any judgment may be rendered, issue execution on said judgment ; and in case of returns without being satisfied, shall thereafter issue *alias* or *pluries*, unless otherwise directed by the governor ; and the agent shall not be at liberty to stay execution, except by order of the governor, and only then for the purpose of better securing the debt.

Clerks to issue executions on judgments in behalf of the penitentiary.

Sec. 12. *Be it further enacted*, That should the agent suffer any officer who may collect any debt of the institution, to hold money so collected longer than one month after he becomes liable for the payment, without a motion against such officer, he shall in like manner become liable for the debt.

Agent liable for debts in certain cases.

Sec. 13. *Be it further enacted*, That the agent shall each week deposit in the treasury the amount of cash received on account of sales and collections during the preceding week, stating of whom the debts were collected, when they were due, and what interest was received.

Sec. 14. *Be it further enacted*, That the agent shall keep a fair and regular account in his books with the

Keep an account with government,

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and to make
reports quar-
terly, &c.

government, crediting the same with the amount of property and debts at first delivered him by the keeper, and manufactured articles delivered him weekly thereafter, and all the interest he may receive from time to time on the debts, the costs on suits he may receive from officers or others, and charging the same with the monies deposited in the treasury, and the legal costs he may pay for suits on behalf of the institution; he shall also keep a regular account of his weekly sales in his books; a complete abstract of both which accounts he shall report to the auditor on the first day of January, April, July and October.

Annual re-
port, & when

Sec. 15. *Be it further enacted.* That the agent shall, on the first day of October in each year, make an annual report to the auditor; in which he shall specifically state the amount of manufactured articles then on hand, the amount of debts owing the institution, specifying those by bond, note and account, by whom owing, when contracted and when due, and if put out for collection, and in what situation, and the amount of officers' fees he may have paid, and the amount of money he may have deposited in the treasury from the time of his going into office, or from his former annual report; he shall also represent in said report the amount of manufactured articles first delivered him, or on hand at his former annual report, the amount received during the preceding quarters, and the amount of money he may have received for interest on debts and costs of suits, since his former annual report; when said accounts shall be examined by the auditor, with his account against the agent, and being found correct, the balances shall be struck on the books of the auditor and agent.

Debts due by
the institu-
tion to be
paid out of
the treasury.

Sec. 16. *Be it further enacted,* That the governor, as sole inspector of the penitentiary, be, and he is hereby authorised to give to the keeper an order upon the auditor for a warrant on the treasury, for the purpose of discharging debts now contracted by the institution, for such sums of money as may from time to time be deemed necessary for the purchase of raw materials, clothing or articles otherwise essential for the use and interest of the institution; which warrant shall be discharged by the treasurer out of any money in his hands not otherwise appropriated.

Sec. 17: *Be it further enacted,* That the keeper shall discharge the debts of the institution now contracted, taking receipts therefor, and purchase all raw materials, clothing and other articles necessary for the penitentiary, taking receipts for the same, specifying the price, quantity and quality of the articles so purchased, and separately stating the raw materials to be manufactured from the articles otherwise necessary for the maintenance of the institution; and shall also pay the guards, turnkey, and such other persons as shall be employed with the advice of the governor, he approving their accounts; which receipts and accounts the keeper shall furnish the auditor as vouchers with his quarter yearly reports. 1846.
And by the
keeper.

Sec. 18: *Be it further enacted,* That in lieu of the ten per centum on the value of the manufactured articles, after deducting the price of the raw materials now received by the keeper, he shall hereafter receive five per centum on the amount of all articles manufactured in the penitentiary and actually sold, to be paid quarter yearly out of the public treasury; and the keeper shall be allowed three hundred and seventy-five dollars per annum to enable him to employ an assistant keeper, in lieu of the sum now allowed him for a clerk. Keeper's allowance, and
manner of
payment.

Sec. 19: *Be it further enacted,* That the keeper shall keep a fair and regular account in his books with the government, charging the same with all monies paid out on account of the institution, and crediting the same with all monies received from the treasurer; he shall also keep a fair and full account of the manufacturing, charging the said account with all raw materials on hand, on the agent going into office, and all the raw materials afterwards purchased, specifying the quality and quantity, and crediting the same with the articles weekly delivered the agent; he shall also keep a complete and fair account in his books of all the charges of the institution; complete abstracts of all which accounts he shall quarter yearly furnish the auditor of public accounts; the first of which accounts the auditor shall examine, and on finding it correct, the keeper and auditor shall strike the balances on their books; and the keeper shall also, on the first of October in each year, make an annual report to the auditor of his manufacturing account, embracing each of his quarterly reports. Keeper to
keep an ac-
count with
government.

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Auditor to
keep an ac-
count with
the peniten-
tiary.

of said account in the preceding year, with a credit thereupon for the amount of raw materials then on hand, with an inventory of such materials thereunto attached.

Sec. 20. *Be it further enacted*, That the auditor of public accounts shall open and keep regular accounts with the agent and keeper of the Kentucky penitentiary, charging and crediting the same for what they are accountable, and to be allowed, agreeable to the previous provisions of this act, and on the production of the vouchers; complete abstracts of both which accounts, with a summary of the keeper's annual report of his manufacturing, and quarterly report of his charges account, he shall report to the legislature at the commencement of each session.

Books of the
agent and
keeper open
to inspection
of the gover-
nor, &c.

Sec. 21. *Be it further enacted*, That the books of the keeper and agent shall be open for the inspection of each other, the auditor and governor; and abstracts from their books, certified by the auditor, shall be good evidence in any suit against either of them.

Sec. 22. *Be it further enacted*, That the agent shall have the same facilities to collect debts due the institution, that the keeper by law now has: *Provided*, that the governor shall never at any time draw from the treasury, for the use of the institution, any money, so as to make the institution debtor to the treasury at any one period, more than ten thousand dollars.

CHAPTER DXXVII.

An ACT to alter the division Line between the Counties of Pulaski and Wayne.

Approved February 4, 1817.

Part of
Wayne added
to Pulaski.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*. That from and after the first day of February next, all that part of Wayne county, which lies within the following boundary, shall be added to and become a part of the county of Pulaski: Beginning at the mouth of Big Sinking creek; thence a direct line by Walter Emberson's, leaving him in Wayne county, to the Cumberland river, one mile above the mouth of Fishing creek; thence down said river to Hart's old ferry, leaving Hart in Pulaski county. And

all that part of Pulaski county which lies in the following boundary, shall be added to and become a part of Wayne county: Beginning at said Hart's; thence a direct line by a noted cedar bluff, on Big Fawbush, to the Adair county line.

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Sec. 2. *Be it further enacted*, That the several courts of Pulaski and Wayne counties, shall retain jurisdiction to try all causes depending in their courts; and the sheriffs of the several counties shall retain the right to collect all public dues that may be demandable of the citizens of their county at the passage of this act.

The courts of said counties to try all causes depending therein, & the sheriffs to collect all dues.

Sec. 3. *Be it further enacted*, That John Duffey, from the county of Wayne, and James Hartgrove, of the county of Pulaski, are hereby appointed commissioners to run and mark the dividing line between the two counties; who shall employ a marker, and run the line agreeable to the directions of this act, and cause the same to be plainly marked. And the commissioners shall be allowed the sum of four dollars per day, each, for each day they may be necessarily employed in running said line; and the marker shall be allowed one dollar per day for his services; which sums shall be certified by the commissioners to the several county courts of Pulaski and Wayne, and one half the amount laid in the next county levy of each county.

Comm'rs. to run and mark the line, employ marker, &c.

CHAPTER DXXVIII.

An ACT authorising the County Court of Nicholas to convey the public ground at Ellisville.

Approved February 4, 1817.

CHAPTER DXXIX.

An ACT for the relief of Peter Sibert.

Approved February 4, 1817.

He had nearly finished a mill on the Beech fork, under the authority of an act of assembly which had been repealed this session, and the order under which he had built it had been reversed by the court of appeals: This act allowed him to obtain another order from the Nelson county court, the repeal of the law notwithstanding.

DECEMBER SESSION,

1816.

CHAPTER DXXX

An ACT for the benefit of the Red River Iron-Works,

Approved February 4, 1817.

The act permitted the dam to remain the height it then was.

CHAPTER DXXXI.

An ACT to amend an act more effectually to suppress the practice of Duelling.

Approved February 4, 1817.

The act referred to will be found in Vol. IV, page 381.—See also, page 73, of this Volume.

The act of
1811 not to
affect officers
or soldiers
who served
in the late
war, prior to
January 1816

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That whenever it shall become necessary to administer the oath prescribed by the first section of an act entitled "an act more effectually to suppress the practice of duelling," approved February 4th, 1812, to any person in this commonwealth, if such person shall allege that he was an officer or soldier, either in the militia or regular army in the service of the United States, at any time during the late war, it shall be lawful for the magistrate or court about to administer said oath, to ascertain the truth of the fact alleged by the person about to take the oath, either by his own oath or other testimony; and thereupon it shall and may be lawful for said magistrate or court to administer the oath required by said recited act, with this amendment, to wit: In lieu of the first day of April 1812, insert the first day of January 1816; whereupon said officer or soldier shall be exempt from all the disabilities imposed by said recited act, for failing or refusing to take the oath therein prescribed.

CHAPTER DXXXII.

An ACT to alter the time of holding sundry Courts in this Commonwealth.

Approved February 4, 1817.

SEC. 1. BE it enacted by the General Assembly of the Commonwealth of Kentucky, That hereafter the circuit courts of Muhlenburg, shall be holden on the first Mon-

days in March, June and September; the circuit courts of Hopkins, on the second Mondays in March, June and September; the circuit courts of Daviess, on the first Mondays in April, July and October; the circuit courts of Ohio, on the second Mondays in April, July and October; and the circuit courts of Lewis county, on the third Mondays in April, July and October, annually; and each court to sit six days at each term, if the business of said courts should require it.

1816.

Hopkins, Daviess, Ohio, and Lewis.

Sec. 2. *Be it further enacted*, That the county courts of Muhlenburg, hereafter shall be holden the first Mondays in each month in which the circuit courts are not holden, and no other.

County court of Muhlenburg.

Sec. 3. *Be it further enacted*, That all process issued, or which may hereafter be issued and made returnable to the several circuit courts, at the times they have been heretofore held, shall be returned to the several courts as directed to be held by this act, and be as effectual, to all intents and purposes, as if they had been made returnable originally to the courts as now changed.

Process.

CHAPTER DXXXIII.

An ACT concerning the Fayette County Court.

Approved February 4, 1817.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That nothing contained in an act passed at the present session, entitled "an act to detach the counties of Campbell and Boone from the third judicial district, further to regulate certain judicial districts in this commonwealth, and to alter the times of holding the Fayette and Scott circuit courts," shall be so construed as to change the times of holding the county courts in the county of Fayette, as directed by law previous to the passage of said act.

CHAPTER DXXXIV.

An ACT for the benefit of the widow and heirs of Wilson Pickett, deceased, and for the executor and devisees of Azariah Davis, deceased.

Approved February 4, 1817.

The act authorised the administrators of Pickett, and the executor of Davis, to sell lands.

1816.

CHAPTER DXXXV.

An ACT respecting the conveyance, and also the division of the real estate of William Kennedy, Benjamin Beall and Jannett H. Beall, late of the County of Campbell.

Approved February 4, 1817.

The act appointed commissioners to make conveyances, &c.

CHAPTER DXXXVI.

An ACT to encourage the publication of a Map of Kentucky, by Luke Munsell.

Approved February 4, 1817.

The act lent him \$ 6000, out of the treasury, for three years, on his giving bond for the re-payment.

CHAPTER DXXXVII.

An ACT authorising the sale of part of the Public Square in the Town of Harrodsburg.

Approved February 4, 1817.

CHAPTER DXXXVIII.

An ACT authorising Commissioners to open a Road from Estill Court-House, leading by the Goose Creek Salt-Works to the Wilderness Road.

Approved February 4, 1817.

Preamble.

WHEREAS it is represented to the present general assembly, that a road from Estill court-house, passing by the Goose creek salt-works, and to intersect the present state road at some point near the Cumberland river, will be of great service to the citizens generally, on the north side of the Kentucky river: It is further represented, that said road will be much nearer than the present state road that leads through Knox county, and that it will lead through a part of country uninhabited: Therefore,

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Bennett Clarke and James White of Estill county, and John Bates and*

Com'rs. appointed to

Hugh White of Clay county, shall be and they are hereby appointed commissioners, who, or a majority of them, after being duly sworn by a justice of the peace for the purposes hereinafter mentioned, shall proceed to view and mark the nearest and best way for a road, for the ease and convenience of the public, leading from Estill court-house to the Goose creek salt-works, in Clay county; from thence to some point on the state road, near the Cumberland river, in Knox county; and should any person through whose land the said road shall be viewed; object to opening the same, the sheriff of the county in which the land may lie, shall at the direction of the said commissioners, or a majority of them, summon a jury to meet on the land on a certain day in the said commissioners' order mentioned; who, after being duly sworn, shall ascertain the damages that may be occasioned by opening said road.

1816.

view & mark
the road.The sheriff of
county to
summon a jury
to find damages.

Sec. 2. *Be it further enacted*, That for raising a fund for paying such damages and opening said road, the commissioners or a majority of them, are hereby authorised to open subscriptions to aid them in the above purposes, and for paying any other charges respecting the same, as the said commissioners or a majority of them may direct: And the said commissioners are hereby vested with power to sue for and recover any sum or sums of money so subscribed, in the same manner as sums of like amount are recovered by law, which money so recovered, shall be applied for the purposes aforesaid; and the report of said commissioners, shall be returned to the county courts of each county through which the said road shall run, to be by them established; and said courts shall appoint surveyors and allot hands to keep so much of said road in repair, as lies within the inhabited part of the country, (after such road has been established and opened as aforesaid;) and it shall be the duty of the commissioners aforesaid, ten days previous to the court, at which it is intended to establish said road, to notify the proprietors or their agents, through whose land said road is proposed to be established, (if to be found in the county) to shew cause why such road should not be opened.

Subscriptions
opened to pay
all damages.Money subscribed
may be recovered
by suit.Com'rs. to re-
turn reports,
&c.Proprietors
notified, &c.

Sec. 3. *Be it further enacted*, That it shall be the duty of said commissioners, whenever they shall have made funds sufficient to open said road, to proceed to let

Com'rs. to let
out the road,
&c.

1816.

the opening said road to the lowest bidder at Estill court-house, on some court day for said county, having given one month's public notice of the same, requiring of the undertaker bond and approved security for the performance of the same; said road to be opened in such manner as the said commissioners may propose, taking into view the passage of carriages.

Com'rs. may
fix turnpike
gates, & coun-
ty courts fix
the rate of
toll.

How applied.

Sec. 4. *Be it further enacted*, That said commissioners after said road is opened and made complete, (so far as the situation of the country will admit of) to fix at some convenient place on said road in each of the counties of Estill and Clay, a turnpike (if it shall appear to them expedient,) the toll of which shall be fixed by the courts of said counties, and applied to keeping said road in repair; the county of Estill, to the extent of the county line; and the county of Clay, from the Estill line to its intersection with the state road.

Sec. 5. *Be it further enacted*, That when said commissioners shall have complied with the duties herein prescribed, they shall then relinquish their powers as to said road, to the county courts of Estill and Clay, which courts shall then take on themselves, the management of said road; the county of Estill that part, that may be in the bounds of said county, and the county of Clay, the residue of said road.

Duty of com-
missioners.

Sec. 6. *Be it further enacted*, That said commissioners shall file with the counties of Estill and Clay courts, the amount of subscriptions obtained, as soon thereafter as may be reasonable; also the amount of money received from the same, when the collection thereof shall be made, and the delinquencies that may happen; whereupon previous to the relinquishment of said commissioners to said courts or their agents, a settlement shall take place between said parties, and after giving said commissioners due credits for all lawful expenditures about said road and turnpikes, said commissioners shall then be responsible to said courts agreeable to the equal proportions of said courts for the residue of any money that may be in their hands, which may be recovered by said courts as other debts are recovered by law; which money shall be applied for the purpose of improving and keeping said road in repair.

Sec. 7. *Be it further enacted*, That said commissioners may, (whenever they shall think it expedient,) file

with the clerk of the county court of Estill, an account of the number of days each of them has served about said road, which shall be certified by said clerk to the auditor, whose warrant they shall obtain on the public treasury, from whence each of them shall receive one dollar fifty cents per day, for their services.

1816.

com'rs. and
how to be
paid.

CHAPTER DXXXIX.

*An ACT to amend the Laws regulating the Towns of
Millersburg, Paris, Bardstown, and for other purposes.*

Approved February 4, 1817.

SEC. 1. *BE it enacted by the General Assembly of the* Trustees of
Commonwealth of Kentucky, That the trustees of the Paris may col-
town of Paris, be, and they are hereby authorised to le- lect tax:
vy and collect from the citizens and holders of real es-
tate within the bounds of said town, any sum in their
discretion not exceeding one thousand dollars, in lieu of
the sum heretofore allowed by law, to be levied in the
same manner and on the same persons and species of
property as the former tax on said town, and to be col-
lected in the same manner.

SEC. 2. *Be it further enacted, That the trustees of* May ex-
said town of Paris and their successors in office, be, change or dis-
and they are hereby authorised, if in their discretion pose of water
they shall think proper, to sell, dispose of, or exchange street.
with any person or persons, all or any part of water
street, which lies on the north side of Houston, and to
convey the same accordingly, and to receive from said
person or persons with whom they may bargain, any
other lands or lots, or parts of lots in exchange, out of
which another street may be formed, or receive the pay-
ment in money, to be appropriated to the use of said
town.

SEC. 3. *Be it further enacted, That said county court* County court
of Bourbon, a majority of all the justices in commis- of Bourbon
sion being present, may direct any part of the public may sell part
square in the town of Paris to be sold on such terms as of their pub-
they may think proper, and to appropriate the money lic ground &
to any purpose they may think expedient; or they may may grant
give leave to the president and directors of the Paris leave to e-
branch bank to build a house thereon for banking pur- rect a house
thereon for

1816.
banking pur-
poses.

Ground sold
to be convey-
ed to the pre-
sident and di-
rectors.

Trustees of
Millersburg
and Carlisle
authorised to
make rules
and regula-
tions for said
town.

Recital.

Persons ap-
pointed to
carry into ef-
fect a lottery

poses ; which leave once given, if a bank be built in pursuance thereof, shall not be revoked, while said president and directors shall choose to use the same for the aforesaid purposes ; and on payment of a reasonable price therefor, to the use of the county, fixed by the valuation of disinterested men appointed by said court, the ground on which said banking house may be erected, shall be conveyed by a commissioner appointed by said court to the president, directors and company of the Bank of Kentucky. Any part of the public square sold under the authority of this act by said court, shall in like manner be conveyed by a commissioner appointed by said court.

Sec. 4. *Be it further enacted*, That the trustees of the towns of Millersburg and Carlisle as now appointed, shall have full power and authority to make any rules, by-laws or ordinances which may be necessary for the regulation of the police of said town, which may not be contrary to the laws and constitution of this state. And they shall have power and authority to inflict by their rules and regulations, proper fines and penalties for obstructing the streets, or erecting nuisances in said towns, either public or private ; to cause the cleaning of their streets, adopt any ordinances which may be necessary to guard said towns against fire, or for the extinguishment thereof, when it shall catch to any building in said town.

Whereas it is represented, that the persons designated in the fifth section of an act entitled "an act authorising lotteries" for certain purposes therein mentioned, approved the thirty-first day of January, one thousand eight hundred and sixteen, have refused to carry into effect the provisions of the said fifth section, or to act at all under the authority vested in them thereby : For remedy whereof,

Sec. 5. *Be it further enacted*, That Charles Nourse, James T. Pendleton, Hector M'Clain, John Caldwell and Samuel T. Beal, be, and they or a majority of them, are hereby invested with full power to carry into effect the provisions of the said fifth section of the act aforesaid, pursuant to the provisions thereof, and for that purpose, shall possess as full power as the persons therein named were invested with thereby.

Sec. 6. *Be it further enacted*, That the lands of the heirs of Abraham Owen and David Shipman, contained within the following bounds, to wit: Beginning at the southern extremity of the second cross street, at the south-western corner of lot, number 65, running west parallel with main street, until it intersects the most westerly cross street; thence north, and in a line with said cross street until it intersects with the second south back street; thence with said back street east, leaving streets fifty feet wide, both north and south of said lands, until it intersects with second cross street; thence with said cross street south, leaving a street fifty feet wide to the beginning; the said ground to be laid off in lots and alleys, agreeably to the plan of the town of Shelbyville, is hereby annexed to the said town of Shelbyville, and the title thereof vested in the trustees of said town and their successors; and to all intents and purposes subject to a law entitled an act adding a part of the lands of the heirs of Col. Abraham Owen, deceased, and of doctor James Moore, to the town of Shelbyville. 1816.
 Certain land added to Shelbyville.

Sec. 7. *Be it further enacted*, That the county court of Henry county, a majority of all the members being present, shall have full power and authority to lease out any part of the public ground in the town of Newcastle, for such time and upon such terms as they may think proper; and the proceeds to be applied to the further improvement of the said public square, or otherwise, as the court shall direct. Henry justices may lease part of their public ground

CHAPTER DXL.

An ACT to alter the time of holding certain Courts in this Commonwealth.

Approved February 4, 1817.

Sec. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That the circuit court for Casey, the county and circuit of Casey county, shall hereafter sit on the Thursdays succeeding the fourth Mondays in the months of May, August and November, in every year; and shall at each term sit three judicial days, if the business should require it.

Sec. 2. *And be it further enacted*, That all process that is now or shall be made returnable to the fourth Process.

1816.

Monday in May next, shall be, and the same is hereby made valid and returnable to the said Thursday next after the fourth Monday in May next, and shall be as good and valid to all intents and purposes, as if the said process had originally been returnable to the day set forth in this act.

County co'rts Sec. 3. *Be it further enacted*, That the county courts in and for the county of Casey, shall hereafter be held on the Thursday succeeding the fourth Monday in every month, except those months in which the circuit courts are held.

Floyd.

Sec. 4. *Be it further enacted*, That the circuit court of Floyd circuit, shall commence on the third Mondays in April, July and October annually, and shall sit at each term, six juridical days, should the business require it; and the county courts for Floyd county, shall commence on the third Monday in every month wherein no circuit court is directed to be holden.

Lewis.

Sec. 5. *Be it further enacted*, That the circuit court for Lewis circuit, shall commence on the third Mondays of April, July and October annually; and shall sit at each term, six juridical days, should the business require it; and the county courts for Lewis county, shall commence on the third Monday in every month in which a circuit court is not holden.

Rockcastle.

Sec. 6. *Be it further enacted*, That the circuit court for the Rockcastle circuit, shall commence on the last Mondays in March, June and September annually; and shall sit at each term, six juridical days, should the business require it; and the county courts for Rockcastle county, shall commence on the last Mondays in every month wherein no circuit court is directed to be holden.

Henry.

Sec. 7. *Be it further enacted*, That the circuit court for the county of Henry, shall commence on the first Monday in April, and on the second Mondays in the months of August and November in each year, and may sit at the April term thereof, twelve juridical days should the business require it; and may sit at the August and November terms, each, six juridical days, should the business require it.

Gallatin.

Sec. 8. *Be it further enacted*, That the circuit court for the county of Gallatin, shall commence on the third Mondays of April, August and November, in each year;

and may sit at each term, six juridical days should the business require it. 1816.

Sec. 9. *Be it further enacted*, That the county courts for the counties of Henry and Gallatin, shall be held as heretofore, except that no county court shall be held in any month wherein circuits are directed to be holden by this act. Henry and Gallatin.

Sec. 10. *Be it further enacted*, That all writs and other process made returnable to any court, the time for holding which is changed by this act, and all recognizances taken returnable to any of the said courts, shall be considered as returnable to said courts, as changed and directed to be holden by this act, and said writs, process and recognizances, shall be acted upon by said courts, and shall be considered as binding and valid as though this act had not passed. Process.

Sec. 11. *Be it further enacted*, That all laws coming within the purview of this act, shall be, and they are hereby repealed.

CHAPTER DXLI.

An ACT to establish a Hospital in the Town of Louisville.

Approved February 5, 1817.

WHEREAS it is represented, that of those engaged in navigating the Ohio and Mississippi rivers, many persons, owing to the fatigue and exposure incident to long voyages, become sick, and languish at the town of Louisville, where the commerce in which they are engaged sustains a pause occasioned by the falls of Ohio river; that the charity of the citizens of that town and county, is no longer able to administer to those poor unfortunate persons, the support and attention which the necessities of the latter, and the humanity of the former would seem to demand and prescribe; that the growing character of Louisville, as a place as well of import as export, and the growing commerce of this state, and of the western country, connected with that place, threatens to throw an increased mass of unfortunate sick upon the citizens of that town and county, to the comfort and support of whom the resources subject to the exactions Preamble.

1816.

of charity, would be unequal, and applied as individual sympathy might dictate, unavailing; and that it would be wise and humane to incorporate an institution at that place for the relief, sustenance, comfort and restoration of the poor and the afflicted of the description aforesaid: Wherefore,

Managers in-
corporated—
their duty &
powers.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Robert Breckenridge, Levi Tyler, Thomas Bullitt, Thomas Prather, David Fetter, Richard Ferguson, John Croghan, Peter B. Ormsby, James H. Overstreet, William S. Vernon, Paul Skidmore and Dennis Fitzhugh, be, and they are hereby appointed a body corporate and politic, by the name and style of the Louisville Hospital; and by that name, style and title are hereby made able and capable in law and equity, to procure by purchase, donation or otherwise, within the town of Louisville, or contiguous thereto, any quantity of land not exceeding three acres, to them and their successors forever, whereon to erect the necessary and suitable buildings for the hospital aforesaid; and they are hereby authorised to raise by subscription, donation or otherwise, any sum not exceeding fifty thousand dollars, for the purpose of procuring the land, and building the houses aforesaid; and they are hereby authorised, they and their successors, to receive, hold, enjoy and retain, lands, tenements and hereditaments, goods, chattels, effects, donations, gifts, grants and contributions of whatever kind, nature or quantity soever, to an amount not exceeding their capital stock; and the same to sell, grant, demise, alien and dispose of; and to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended; and also to make, have and use a common seal, and the same to break, alter and renew, at pleasure; and also to make, ordain, establish and put in execution, such by-laws, ordinances and regulations as they shall deem necessary and convenient, for the good government of said corporation, not contrary to the constitution and laws of the United States and of this state; and generally, to do and execute all and singular the acts, matters and things which to them it shall or may appertain to do; subject, nevertheless, to the rules, regulations, restrictions and limitations hereinafter prescribed.

Sec. 2. *Be it further enacted,* That the managers of the said corporation shall meet at the Union Hall, in the town of Louisville, on the first Monday in May next, or so soon thereafter as may be practicable; elect their president, and such other officers as they may think necessary for the proper organization and management of said institution; and at all times thereafter shall have power to appoint their own meetings, and by an election to be held for that purpose, may fill any vacancy that may happen in their own body. And the president and managers, and their successors in office, shall have power to appoint and employ such managers, mechanics, clerks or servants, as [they] may think necessary for the business of said corporation, and compensate them for their services respectively, as they may deem necessary, and to require security for their upright discharge of their functions and trusts, and shall be ample for exercising such other power and authorities, for the well governing of, and ordering the affairs of the said corporation, as shall be described and determined by the laws and ordinances of the same.

1816.

Of meetings,
and appointment of other
officers, &c.

Sec. 3. *Be it further enacted,* That the president and managers of the Louisville hospital, shall have power to receive, possess and hold, for the purposes aforesaid, after the purchase of land herein authorised, and the improvement of the same, and erection of all necessary buildings thereon, so much as when vested in bank stock, or otherwise placed at interest, as the president and managers may deem most expedient, will produce annually to the institution a net dividend of twenty thousand dollars: *Provided also,* that when the money or property held by and vested in the president and managers of the said institution, shall produce the dividend aforesaid, they shall be and remain incapable of holding or receiving any gift, grant or donation whatever: *Provided also,* that the president and managers, and their successors, in office, shall at all times apply, lay out and appropriate the money and property that may vest in them by virtue of this act, at their discretion, to the promotion and advancement of the humane and benevolent purposes hereby intended, and in no other manner whatsoever.

Arrangements.

Sec. 4. *Be it further enacted,* That the power of the county court of Jefferson county, shall, in relation to

1816.

the poor of said county, be and remain as heretofore in all respects : *Provided, however,* that the legislature reserve to itself the right always to regulate or totally repeal this act.

CHAPTER DXLII.

An ACT concerning the Turnpike and Wilderness Road.

Approved February 4, 1817.

Manager re-
pealed, how
far.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That so much of the act approved February the 2d, 1815, entitled "an act to reduce into one the several acts concerning the turnpike and wilderness road," as requires the manager of said road to superintend and keep in repair that part of the road from the north end of the Big Hill, in Madison county, to the intersection of the road leading from the Crab-Orchard to the Cumberland Gap, and which requires him to rebuild the Rockcastle bridge, is hereby repealed.

Directions to
the county
court of Mad-
ison.

Sec. 2. *Be it further enacted,* That the road from the foot of the north end of the Big Hill to the intersection of said road, shall be kept in repair under the direction of the county court of Madison ; and that the said county court shall appoint some fit person as manager, who shall immediately enter into bond with good security to the commonwealth, in the sum of two thousand dollars, conditioned for the faithful performance of the duties enjoined him by law, subject to a suit by the attorney for the Madison circuit court, for any failure or misconduct while acting as manager ; and the said county court shall have power to remove such manager at pleasure, and appoint another in his place as often as they shall judge proper.

Keepertopay
manager of
Madison road

Sec. 3. *Be it further enacted,* That it shall be the duty of the keeper of the turnpike gate to pay to the manager of the Madison road, or his order, one fourth part of all the money hereafter arising from the toll of said gate for the state road ; and it shall be the duty of the said manager to superintend the keeping the said road in repair, with the money he may receive from the turnpike keeper as aforesaid, under the rules and regulations, and

possess the same powers as given the manager of the state road in the above recited act. 1816

Sec. 4. *Be it further enacted;* That the manager appointed by the Madison county court, shall have power to demand and receive from the manager of the turnpike and wilderness road, one fourth part of all the tools now belonging to the said road, together with one fourth part of all the money now in his hands, drawn from the keeper of the turnpike gate, or that may be in the hands of the said keeper, not appropriated at the passage of this act. Arrangement between the managers.

Sec. 5. *Be it further enacted;* That the money arising from the ninth section of the before recited act; where the managers of the state road have collected the same, or have instituted suits for the recovery of any part thereof, shall in either case pay over the same to the manager of that part of the road under the direction of the county court of Madison; and the manager of the Madison road shall in every other case recover all sums due, agreeable to the provisions of the said ninth section, and shall collect from the administrators of James Walker, deceased, late manager of the state road, one half of all money which the said Walker may have received from the keeper of the turnpike gate, which has not been by him appropriated to repairing said road; all which sums of money shall be exclusively appropriated by the said manager, to the rebuilding the Rockcastle bridge, as is directed in the tenth section of the above recited act; and if the money hereby appropriated for the building of the Rockcastle bridge, should not be sufficient to complete the same, the deficiency shall be made up out of the money arising from the turnpike gate, and drawn for the use of the Madison road. Regulations; &c.

Sec. 6. *Be it further enacted,* That the county court of Madison, shall, once in every year, appoint one or more persons to settle with said manager; and it shall be the duty of the manager to keep a just and fair account of all money by him expended for the purposes aforesaid, as also to procure the certificate of the keeper of the turnpike gate, of all money by him received since the last settlement. And on such settlement, the manager shall be allowed two dollars per day for every day he may have been engaged in the duties of his office; all Appointments for settlements.

1816. which shall be certified to the county court, and recorded without a fee to the clerk.

Grassy Lick
road under
Rockcastle.

Sec. 7. *Be it further enacted*, That so much of the said wilderness and turnpike road lying between the Grassy Lick and the intersection of the Madison road, shall be kept in repair under the direction of the county court of Rockcastle; and the residue of said road to the Cumberland Gap, shall be kept in repair under the direction of the county court of Knox county. The said county courts shall each appoint a manager, in the same manner as the Madison county court is directed by this act, and in all respects be governed by the same rules and regulations as before directed; and the manager, when appointed, shall be governed by the same rules and regulations, and subject to the same proceeding in every respect, as the managers to be appointed by the Madison county court, except the commissioners to be appointed by the county court of Knox, shall give bond in the sum of four thousand dollars.

Money to be
paid by keep-
er to the man-
agers.

Sec. 8. *Be it further enacted*, That the keeper of the turnpike gate on said road, shall pay to the manager appointed by the Rockcastle county court, one fourth of the money arising from said gate; and to the manager appointed by the county court of Knox, one half of said money, in the same [manner] as before directed in all respects: *Provided, however*, that nothing in this or

Proviso.

Proviso.

Money in J.
Walker's
hands dispos-
ed of.

the previous section shall be so construed as to affect any specific appropriations made in this act respecting the Rockcastle bridge: *Provided, however*, that nothing herein contained shall be construed to affect any law making certain appropriations to the Goose creek or Somerset roads: *Provided also*, that one half of the money arising from the turnpike road, in the hands of the administrators of James Walker, deceased, and not heretofore appropriated to the rebuilding of the Rockcastle bridge, shall be appropriated to that part of the road under the direction of the Rockcastle county court.

CHAPTER DXLIII.

An ACT for the relief of David James and John Mitchison.

Approved February 5, 1817.

They were securities for an insolvent sheriff: This act remitted the interest and damages, on their paying the principal.

XXV. YEAR OF THE COMMONWEALTH.

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CHAPTER DXLIV.

1816.

An ACT concerning Commonwealth's Attornies.

Approved February 5, 1817.

The act referred to will be found in page 51, of this Volume; but it passed the 2d of February, 1813.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That the act passed on the 23d day of February, 1813, entitled "an act concerning commonwealth's attornies," shall be, and the same is hereby continued in force two years from and after the passage of this act.

CHAPTER DXLV.

An ACT to regulate the Town of Falmouth, and for the benefit of the Harrison and Nicholas Academies.

Approved February 5, 1817.

SEC. 1. BE it enacted by the General Assembly of the Commonwealth of Kentucky, That the free male inhabitants of the said town, who shall have attained the age of twenty-one years or upwards, and have been residents of said town for three months previous to the time of election, together with those who may be the fee simple owners of ground in said town, are hereby authorised and required to meet at the court-house of the county aforesaid, on the first Monday in July next, and on the same day in each succeeding year, and to elect five trustees for said town; which trustees, or a majority of them, shall form a board, and shall be authorised to make any by-laws for the regulation and government of said town, which they may deem necessary, not inconsistent with the laws and constitution of this commonwealth.

Election for trustees in Falmouth.

Their powers.

Sec. 2. And be it further enacted, That the trustees, or a majority of them, shall have full power and authority to impose such a tax annually on the inhabitants of said town, and persons owning property within the limits thereof, not exceeding two hundred dollars per year, as to them may seem proper, for keeping in repair the public streets and other works of public utility in said town, or for any other purposes which the trustees aforesaid, or a majority of them, may think proper for the benefit

1816.

of said town ; which tax shall be apportioned among its inhabitants, and persons owning property within the limits thereof, by laying such a per centum on the value of all such property, both real and personal, within the limits [of] the town aforesaid, as the said trustees, or a majority of them, may think proper ; or they may, at their discretion, raise the sum aforesaid, or any part thereof, by a capitation tax on the inhabitants of said town, and persons owning property therein.

Further powers.

Appoint commissioner of tax.

Com'r's duty.

Trustees to residents.

Sec. 3. *Be it further enacted*, That the aforesaid trustees, or a majority of them, shall have full power to appoint a commissioner annually, whose duty it shall be to apply to the inhabitants of the town respectively, and to such inhabitants of the county of Pendleton as may own property within the limits of said town, for the purpose of receiving from each a list of all such property, and the value thereof, as may have been subjected to taxation in the manner above mentioned. It shall be the duty of each person so applied to, to furnish the commissioner with a list of such property, with the value annexed thereto, as he may have been the owner of on the first day of March preceding the application ; and on refusal or failure, when applied to, or on giving in a false and fraudulent list, shall be subject to a fine of ten dollars and cost, to be recovered in the name of the trustees, or a majority of them, upon warrant before any justice of the peace of this commonwealth, to be applied to the same purposes as the taxes above mentioned are directed to be applied. The application by the commissioner above mentioned, shall be made at any time in the months of April or May, annually ; the commissioner shall return the list aforesaid to the clerk of the trustees, so soon as he may have it completed, alphabetically arranged in a book prepared for that purpose. Such property in said town as may be owned by persons who are not residents of the county aforesaid, shall be valued by the commissioner, and a list thereof, arranged as above directed, in a separate book, be also returned to the clerk at the same time.

Sec. 4. *Be it further enacted*, That no person shall be eligible as a trustee of said town, unless he shall have resided in the limits thereof for six months previous to his election, and at least twenty-five years of age.

Sec. 5. *Be it further enacted,* That the said trustees, or a majority of them, shall appoint their clerk annually, and any other officers they may think proper; and they, or a majority of them, shall have power to inflict a fine not exceeding ten dollars, for every breach of their by-laws, to be sued for and recovered in their name, before any justice of the peace, and applied to the uses above mentioned.

1816.

Appoint a clerk & other officers.

Fines, &c.

Sec. 6. *Be it further enacted,* That after the trustees have laid and apportioned the taxes under this act, they shall appoint annually a collector thereof; whose duty it shall be to collect and account for the same to the trustees, within two months after he shall have been furnished with a list of said taxes; and the said collector is hereby authorised to distrain and make sale of any personal property, in the same manner as the collectors of the revenue are directed to do by the existing laws of this state on that subject, in case of failure or refusal to pay; and the said collector shall be allowed such compensation as the trustees, or a majority of them, may think reasonable, not exceeding five per centum on the sum collected, to be paid out of any money in the hands of the trustees. The collector, before entering on the duties of his office, shall enter into bond to the trustees, in the penalty of four hundred dollars, conditioned for the faithful performance of his duty; and shall take a solemn oath, administered to him by any one of the trustees before the board of trustees, faithfully to discharge the duties of his office to the best of his judgment; and if he shall fail to collect the taxes in the time aforesaid, or to account for the same to the trustees when collected, the trustees may, upon giving him and his securities ten days' written notice thereof, recover judgment against them in the county court of Pendleton, for the sum which he shall have failed to account for, together with twenty-five per centum on the sum so detained, and the cost of the motion.

Appoint a collector.

His duty.

Collector to give bond and security.

To take an oath.

May be proceeded against, and how.

Sec. 7. *Be it further enacted,* That in case of a vacancy in the board of the trustees aforesaid, the remaining trustees, or a majority of them, shall meet at the courthouse of the county, at any time, and fill such vacancy by the nomination of a person qualified as above mentioned; which trustee or trustees so appointed, shall

Vacancies, how to be filled.

1816. possess the same power as others, and remain in office until others are elected to supply their places.

Sec. 8. *Be it further enacted,* That the trustees, after they are elected, shall meet at the court-house of the county, on the first Saturdays in February, March, June, September and November, annually, and at such other times as they may think proper; they shall remain in office until others are elected in their place, and may make such compensation to their clerk and commissioners as they may think proper. The clerk shall take an oath, administered by any one of the trustees when in session, faithfully to preserve all books and papers confided to his care by the trustees, and in all respects faithfully to discharge his duty to the best of his skill.

Sec. 9. Each trustee and commissioner shall also take an oath, to be administered by some justice of the peace, faithfully and honestly to discharge their duties to the best of their judgment; which oath shall be noted by the clerk on the record book of the trustees.

Sec. 10. *Be it further enacted,* That a majority of said trustees, shall have power to inflict a fine not exceeding five dollars, on any trustee for failing to attend any of the above stated meetings of the board without a sufficient excuse, to be recovered by a warrant in the name of the other trustees, before any justice of the peace; the trustee intended to be so fined having ten days' previous notice in writing, to appear before the board of said trustees, and shew cause, if any he can, why he should not be fined.

Sec. 11. *Be it further enacted,* That when any person holding property in said town, does not reside in the county of Pendleton, it shall and may be lawful for the collector to levy upon the goods and chattels of the tenant in possession, for the amount of tax due on said property; and in case there should be no tenant, or occupier of the property, the town collector shall place the tax-bill in the hands of the sheriff of the county, where the owner of such property may reside; who shall receive and collect the same under the same rules and regulations, fines and forfeitures, as the said collector is liable to.

Sec. 12. *Be it further enacted,* That elections for trustees under this act, shall be superintended and direct-

When to hold
their meet-
ings.

Clerk to be
appointed.

Trustees and
comm'rs to
take an oath.

Trustees may
inflict fines
on each other
How recover-
ed.

Provision for
imposing and
collecting tax-
es upon non-
residents.

Elections,
how to be
conducted.

ed by justices of the peace, who shall deliver the persons elected, certificates of their elections; which shall be noticed by the clerk, and filed away by him.

1816.

Sec. 13. *Be it further enacted*, That the trustees after having advertised, in the most convenient newspaper, and at the court-house door of the county, for at least two months, shall expose to public sale, all the lots which were stricken off to the highest bidders, at former sales under an act, approved December the tenth, 1793, entitled an act establishing a town in the forks of Licking, on the lands of John Cook, William M'Dowel and John Waller, where no title bonds or deed of conveyance was executed to the purchaser or purchasers, nor the payment of the sum or sums bid, secured by writing upon such a credit as the proprietors of the town may direct; and shall take bonds from the purchasers with approved security to the aforesaid proprietors.

Lots heretofore sold and not conveyed or paid for, to be again exposed to sale.

Sec. 14. *Be it further enacted*, That the said trustees, shall have full power and authority, to make any order for the removal or abatement of nuisances within the limits of said town; and each and every person offending by nuisance, who shall fail or refuse to abate or remove the same, having due notice of the order of the trustees to that effect, shall for every twenty-four hours, he suffers the same to remain after he shall receive said notice, forfeit and pay any sum not exceeding two dollars, recoverable by warrant before any justice of the peace of said county. All of which fines and forfeitures thus recovered, shall be appropriated towards the improvement of the streets and alleys of said town, as the trustees thereof may direct.

Further regulations.

And whereas it is represented to the present general assembly, that on account of conflicting claims, the Harrison seminary lands, have been sold by the trustees thereof, for five thousand dollars only; and under existing laws one fourth of that sum only can be applied to erecting a building for an academy, a sum entirely too small for that purpose: Therefore,

Recital:

Sec. 15. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall and may be lawful for the trustees of the Harrison academy, to appropriate so much of said five thousand dollars not already vested in bank stock, as will be sufficient to build a

Trustees of Harrison academy allowed to appropriate proceeds of donation lands.

1816. house in or near the town of Cynthiana for an academy, which may be suitable to the future prospects of the institution in that place, any law to the contrary notwithstanding.

Trustees of the Nicholas academy authorised to compromise or sell & convey their land claims. Sec. 16. *Be it further enacted,* That the trustees of the Nicholas seminary, shall be, and they are hereby authorised by themselves or their agent, to compromise and settle all conflicting claims or other incumbrances, if any, on the lands of said seminary; and to sell and convey the same or any part thereof, giving such credits as they may think proper; and the said trustees are hereby further authorised to purchase as much ground as they may think necessary, and to erect a building thereon for an academy; and likewise to purchase books and such other school apparatus as they may think proper, for the use and benefit of said academy; and they shall allow to the agent or person authorised to transact the business aforesaid, a reasonable and just compensation, to be approved of by the county court of Nicholas; the whole to be paid for, out of the funds arising from the sale of the seminary lands aforesaid, any law to the contrary notwithstanding.

And to build an academy with the proceeds, &c.

CHAPTER DXLVI.

An ACT for paying certain Guards in this Commonwealth.

Had its effect.

Approved February 5, 1817.

CHAPTER DXLVII.

An ACT for the benefit of the Heirs of Edmund Eggleston, junr. and Pomphrett Waller, deceased.

Approved February 5, 1817.

The act appointed commissioners to sell lands descended to them.

XXV. YEAR OF THE COMMONWEALTH.

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CHAPTER DXLVIII.

1816.

An ACT supplemental to an act entitled an act to authorise the sale of part of the Public Square in the Town of Harrodsburg.

Approved February 5, 1817.

CHAPTER DXLIX.

An ACT concerning Ferries in this Commonwealth.

Approved February 5, 1817.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That should any person in this commonwealth be aggrieved for want of immediate passage at any ferry across any water course in the same, it shall be lawful for any such person to obtain a judgment against the owner or keeper of any such ferry, by virtue of a warrant before any justice of the peace in any county where such delinquency may happen, for any sum not exceeding four dollars with cost on the same, except good cause be shown by said defendant to the contrary, any law to the contrary notwithstanding.

CHAPTER DL.

An ACT for the relief of John D. Pearce.

Approved February 5, 1817.

He was poor and a cripple, and had a large family; in consideration of which, the act directed a warrant for 800 acres of land to issue to him gratis.

CHAPTER DLI.

An ACT for preventing Mill-Dams hereafter from being erected on Main Licking below the mouth of Fleming Creek.

Approved February 5, 1817.

WHEREAS there have been several laws passed in this commonwealth, authorising the erection of mill-dams across main Licking under certain restrictions;
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1816.

and experience having proved them injurious to the navigation [of] said river: For remedy whereof,

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That so much of any act as authorises the erection of mill-dams on main Licking, shall be repealed, so far as it respects that stream from the mouth of Fleming creek to its confluence with the Ohio, and that no county court shall hereafter confirm the report of any jury where a writ of *ad quod damnum* has been issued and not confirmed by said court before the passage of this act.

CHAPTER DLII.

An ACT for the benefit of Hannah Gorham, and for other purposes.

Approved February 5, 1817.

She had dieted the venire during a trial in a criminal case in Bourbon; for which this act provided that she should be paid. The other purposes related to the same trial, and are of no public interest.

CHAPTER DLIII.

An ACT for the appropriation of Money.

Approved February 5, 1817.

ACTS OF VIRGINIA.

The following acts were supposed to have been entirely superseded ; but the Court of Appeals having decided otherwise, it has been deemed proper to republish them.

ACTS OF THE FIRST SESSION OF 1769, CHAP. XVII,
CHAN. REV. PAGE 7.

An ACT for preventing and suppressing Private Lotteries.

1769.

WHEREAS many pernicious games, called lotteries, have been set up in this colony, which have a manifest tendency to the corruption of morals, and the impoverishment of families ; and whereas such pernicious practices may not only give opportunities to defraud the honest and industrious, but may be productive of all manner of vice, idleness, and immorality, and against the common good and welfare of the community :
For remedy whereof,

Recital.

Be it enacted by the Governor, Council, and Burgeses, of this present General Assembly, and it is hereby enacted by the authority of the same, That from and after the first day of May next, no person or persons whatever, shall, on his own account, or that of another, either publicly or privately, set up, erect, make, exercise, keep open, shew, expose, or cause to be played at, drawn or thrown at, any such lotteries, or shall procure the same to be done, either by dice, lots, cards, tickets, or any other numbers or figures, or any other way whatever ; and every person or persons herein offending, shall forfeit and pay to the parish, for the use of the poor of such parish, where such offence shall be committed, the whole of the sum or sums to be raised by such lottery ; to be recovered by action of debt, or information, in any court within this colony.

No person shall set up a lottery.

Under a penalty.

1779.

ACTS OF THE OCTOBER SESSION 1779, CHAP. XLII,
CHAN. REV. PAGE 119.*An ACT to suppress excessive Gaming.*

I. BE it enacted by the General Assembly. That every promise, agreement, note, bill, bond, or other contract, to pay, deliver, or secure money or other thing won, or obtained by playing at cards, dice, tables, tennis, bowles, or other games, or by betting or laying on the hands or sides of any person who shall play at such games, or won or obtained by betting or laying on any horse-race, or cock-fighting, or at any other sport or pastime, or on any wager whatsoever, or to repay or secure money or other thing lent or advanced for that purpose, or lent or advanced at the time of such gaming, sporting, or wager, to a person then actually playing, betting, laying, or adventuring, shall be void. Any conveyance or lease of lands, tenements or hereditaments, sold, demised, or mortgaged, and any sale, mortgage, or other transfer of slaves, or other personal estate, to any person, or for his use, to satisfy or secure money or other thing by him won of, or lent, or advanced to the seller, lessor, or mortgager, or whereof money or other thing so won, or lent, or advanced, shall be part or all of the consideration money, shall inure to the use of the heir of such mortgager, lessor, bargainer, or vender, and shall vest the whole estate and interest of such person in the lands, tenements, or hereditaments, so leased, mortgaged, bargained, or sold, and in the slaves or other personal estate so sold, mortgaged, or otherwise transferred, to all intents and purposes in the heir of such lessor, bargainer, mortgager, or vender, as if such lessor, bargainer, mortgager, or vender, had died intestate.

II. If any person by playing or betting at any game or wager whatsoever at any time within the space of twenty-four hours shall lose or win, to or from another, a greater sum or any thing of greater value than five pounds, the loser and winner shall be rendered incapable of holding any office, civil or military, within the state during the space of two years, and moreover shall be liable to pay ten shillings in the pound for every pound over and above the said sum of five pounds, which he shall so win or lose; and upon information thereof made to any

Contracts for
paying mo-
ney, &c. won
by gaming,
void.
Conveyances
to secure mo-
ney, &c. so
won, inure to
the benefit of
the loser's
heir.

Penalties up-
on those who
play or bet.

county court, and due proof thereof had, such county court shall levy upon the goods and chattels of the offenders the full penalty incurred, to be applied to lessening the levy of the county wherein such offence shall be committed; and upon conviction before such county court, shall incur the forfeiture hereby inflicted, and be *ipso facto* deprived of his office aforesaid. Any person who shall bet or play for money or other goods, or who shall bet on the hands or sides of those who play at any game in a tavern, race-field or other place of public resort, shall be deemed an infamous gambler, and shall not be eligible to any office of trust or honour within this state.

1179.

III. Any tavern-keeper who shall permit cards, dice, billiards, or any instrument of gaming to be made use of in his house, or shall permit any person to bet or play for money or other goods, in any out-house, or under any booth, arbour, or other place, upon the messuage or tenement he possesses, and shall not make information thereof, and give in the names of the offenders to the next court which may be held for the county, city, or borough wherein he resides, shall be deprived of his license, and moreover shall pay to the informer, one hundred pounds, to be recovered by action of debt, in any court of record.

And upon tavern-keepers permitting it in their houses.

IV. Two justices of the peace may cause any person not possessing a visible estate, nor exercising some lawful trade or profession, who shall be suspected by them to support himself, for the most part, by gaming, to come or be brought before them, and if the suspicion shall appear upon examination to be well founded, may require security of him for his good behaviour, during the term of twelve months, and if before the expiration thereof, he shall play for or bet any money or other thing, at any game whatsoever, he shall be adjudged to have broken the condition of his recognizance.

Power of justices of the peace to bind gamblers to their behaviour.

V. No person, in order to raise money for himself or another, shall publicly or privately put up a lottery of blanks and prizes, to be drawn or adventured for, or any prize or thing to be raffled or played for; and whoever shall offend herein, shall forfeit the whole

Lotteries, &c. prohibited. This act to be given in charge to grand-juries.

1779.

sum of money proposed to be raised by such lottery, raffling, or playing, to the use of the commonwealth. The presiding justice, as well in the general, as in all the inferior courts of law in this commonwealth, shall constantly give this act in charge to the grand juries of their courts at the times when such grand juries shall be sworn. This act shall commence and be in force, from and after the first day of *March* next.

AN ACT to fix the amount of Revenue to be collected in the year 1816.

APPROVED, February 10, 1816.

SEC. 1. *Be it enacted by the General Assembly of the commonwealth of Kentucky,* That it shall be the duty of the sheriffs of this commonwealth, to collect upon the valuation contained in the commissioners' returns for the year one thousand eight hundred and fifteen, and every year thereafter, after the rate of six and a quarter cents for every hundred dollars contained in the valuation of each individual's land and other property subject to taxation on the ad valorem principle; that the taxes to be collected upon the lands of non-residents, shall be charged and collected at the same rate; and the sheriffs shall advertise at the door of the court houses respectively, at the March and April courts, the rate per hundred dollars fixed by this act.

Amount of revenue to be collected.

Sheriff to advertise the rate per hundred dollars

SEC. 2. The indirect taxation shall remain the same as heretofore.

Indirect taxes to remain as heretofore.

SEC. 3. *Be it further enacted,* That the sheriff or collector of each county, shall be entitled to the commission of seven and one half per cent. for collecting the revenue directed by this act, in lieu of the commission allowed by law.

Bank stock taxed.

SEC. 4. *Be it further enacted,* That on all shares of bank stock, in the bank of Kentucky, held by individuals, and all shares held in the Kentucky Insurance Company, or any bank hereafter established, there shall be levied and collected yearly, a revenue at the rate of thirty-seven and a half cents on each share of one hundred dollars, in lieu of the tax now imposed by law; and the president and directors, or cashier, on making their last dividend for each preceding year, shall return the said amount of taxes, and pay the same into the treasury of this commonwealth, and shall produce the treasurer's receipt and the auditor's quietus, on or before the first day of January, in every year; and on failure thereof, the president and directors of said institutions, or any failure to pay

How applied

Pending or failure to pay

number of them, in their individual capacity, shall pay a fine to the commonwealth of five hundred dollars, to be recovered on motion of the general court, by a notice from the auditor of public accounts, given the president of said bank, or Insurance Company, or other bank, so making default, as in case of sheriffs or other public debtors.

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